

Chatfield Reallocation FR/EIS Study Meeting

Tetra Tech Conference Room, Lakewood, Colorado

Thursday, March 11, 2010: 9:00 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 Study Updates (project management, summarize current study budget and schedule, other PM updates), Corps response to EPA review letters, Real Estate Plan, and Cost Effectiveness/Incremental Cost Analysis (CE/ICA); EIS Discussion Items (Comprehensive Environmental Mitigation Plan [CMP], recreation modification analyses, socioeconomic analyses, and public involvement), and Wrap-Up.
- Tom introduced Scott Raush, the new Park Manager at Chatfield State Park. Scott will attend meetings with Heather Dugan of State Parks. He also introduced Amy Platte (EPA) who was sitting in for Melanie Wasco.
- The March trip to Washington, D.C. went well. The schedule and agenda were similar to that followed during previous trips; the read-ahead for the trip is available from Tom and Gwyn if anyone is interested. The purpose of the meeting was to meet with members of Congress to reinforce the need for Denver Metro area water supply solutions, met with the USACE (including Assistant Secretary of the Army, Civil Works), and discuss the importance of the storage reallocation project, timeline, and funding mechanisms.

2) Study Updates—Gwyn Jarrett (USACE-Omaha [Corps]):

a. Project Management

- i. *Summarize Current Budget.* The total study cost to date is approximately \$5.75 million, including the new \$440,000 SACCR. The ARRA funds have been received and Tom and the Corps are working to finalize the SACCR as soon as possible. \$200,000 of the \$440,000 SACCR will be used to complete the required Corps independent external peer review (IEPR) (which is 100% federally funded). Reprogramming needs to be considered at this time to complete the FR/EIS process. A project in Alaska has been identified as a potential source for reprogramming funds. Rick McLoud (Centennial) asked whether funding issues would delay Tetra Tech's work. Gwyn assured the group that Tetra Tech's contract is fully funded and that work would continue while funding was finalized.
- ii. *Summarize Current Schedule.* CWCB (Tom), the Corps (Gwyn), and Tetra Tech prepared a preliminary schedule for the project through October 14, 2010. The goal is to produce a revised draft FR/EIS for public comment in mid-July. The following tasks have been identified as critical to complete the draft document:
 - *BBC Recreation/Economic Study.* BBC is working on revisions to the draft, primarily based on comments from the Corps. When the final revised BBC Study is complete it will be integrated into the draft FR/EIS along with the revised final Recreation Facility Modification Plan. A completed draft may be available by mid-April.

- *Draft Tree Removal Plan.* The plan will be submitted to Corps for review on March 12. The plan still requires review and comment from State Parks (Dan Weber). Tetra Tech anticipates that the draft Tree Removal Plan will be incorporated into the draft FR/EIS by the end of March.
- *Biological Assessment (BA)/Biological Opinion (BO).* Tetra Tech is coordinating efforts with the U.S. Fish and Wildlife Service (USFWS) and ERO to complete the draft BA. It will include the SPWRAP BA that will address central Platte River species. The BA will be an appendix to the draft FR/EIS. Pete Plage (USFWS) will prepare the BO based on the BA; the BO will be prepared after the public draft FR/EIS is released and so will not affect the schedule of the public draft.
- *Section 404(b)(1) Analysis.* Tetra Tech is working on the Section 404 analysis and will send the draft report to the Corps when completed.
- *Restructure Screening of Alternatives.* In response to the Policy Guidance Memorandum (PGM) the screening of alternatives discussion is being revised to add detail concerning other alternatives that were considered in addition to the four EIS alternatives. The intent is to show all possible alternatives were considered in the draft FR/EIS and demonstrate the screening process that was implemented. Tetra Tech is anticipating completing the revised text for Chapter 2 in mid-March and it will be sent to the Corps for review.
- *Water User Conservation Plan Status.* Information on the Water Users Conservation Plans was received in December 2009, and Tetra Tech is incorporating into the revisions to Chapter 2 of the draft FR/EIS.
- *Colorado Division of Wildlife (CDOW) Downstream Comments.* Tom plans to meet with CDOW and State Parks on March 11 to discuss DNR/CDOW comments and ensure they have been adequately addressed in the draft FR/EIS. Pete Conovitz (CDOW) expressed concern over changes in downstream flow and whether mitigation strategies to address potential impacts have been developed. Pete also said that joint comments from State Parks and CDOW were provided to the Corps in late summer, and that there may have been additional comments as well. Gary Drendel (Tetra Tech) indicated that Pete's concerns about downstream flows were discussed on a conference call some time ago and his understanding was that Rick McLoud and the Corps' modeler (Joel Knofczynski) were going to prepare a response that takes into account junior water rights and a more realistic picture of how water will be held and released.
- *Water Control Plan.* The revised plan is undergoing a second review by the ATR team and should be finished by March 15.
- *Emerging Issues.* Tetra Tech is working to resolve all PGM comments.
- *Export Costs to MCASES.* Chuck Hillerson (Tetra Tech) needs the MCACES output as soon as available from the Corps.
- *Reviews.* The ATR team has been identified and is currently reviewing the Real Estate Plan and Seismic Study. The team will review the entire draft FR/EIS

before it is sent to HQ for their review. The HQ review will take about 30 days. Any comments will be addressed before the draft FR/EIS will be released for public comment.

- *Water Users Review.* The Water User group received the CMP and Recreation Modification Plan on February 12 for review. Representatives from the group will meet on March 15 to consolidate their comments.

b. Pending Response to EPA Review Letters

- The Corps has received guidance from USACE Div on how to proceed with meeting Clean Water Act requirements specific to the Chatfield Reallocation project. They have been directed to implement the project according to the Civil Works P&G Guidelines. As part of their response, the Corps will meet with EPA representatives regarding the 404(b)(1) requirements and demonstrate how they are met by the P&Gs. A date for the meeting has not yet been set.

c. Seismic Analyses

- *Geotechnical and “Critical Structure” Considerations.* The ATR team is reviewing the Seismic Study and should be finished around March 12. This review, and any further reviews, if required, will be conducted as a concurrent process and will not affect the timeline to complete the draft FR/EIS.

d. Real Estate Plan

- *Real Estate Plan.* The ATR team is reviewing the Real Estate Plan and should be finished by March 12.

e. Incremental Cost Analysis (Tetra Tech and Corps)

- *CE/ICA.* The draft CE/ICA was submitted to the Corps for review on March 5. Chuck Hillerson (Tetra Tech) is leading this effort and is waiting for comments from the Corps (Betty Peake, Gene Sturm). The initial feedback indicated that all required information has been provided and models meet Corps requirements. Upon completion, the CE/ICA will be incorporated into the CMP (ERO has left a placeholder in the CMP for the CE/ICA).

3) EIS Discussion Items:

a. Environmental Mitigation Plan (ERO and Tetra Tech)

- *Status.* The CMP is being reviewed by the Water Users group. Steve Dougherty (ERO) told the group that the plan was undergoing a second review by the Corps. Revisions to the CMP will be made based on comments from the Corps and the Water Users.
- *Three-Party Agreement—Preble’s Mouse Critical Habitat.* The Chatfield project’s mitigation strategy for the Preble’s mouse could potentially be integrated with improvement plans along Sugar Creek to benefit critical habitat. Steve Dougherty (ERO) conducted field work in the Preble’s mouse critical habitat unit on the South

Platte and proposed potential mitigation strategies along Sugar Creek. A 4-mile reach of critical habitat along Sugar Creek is being significantly affected by sediment associated with the highway next to the creek and road maintenance. The US Forest Service, Douglas County, and the Chatfield partners are pursuing a memorandum of agreement to install improvements and prevent additional sediment from entering the creek. These actions could allow the creek to clear itself over time and benefit critical habitat for the mouse. The Corps is not a party, so a parallel process is needed to implement the agreement.

Because the Corps is not part of the Three-Party Agreement, the group had questions about how the agreement would be honored. If the terms of the agreement were part of the ROD and contract terms and conditions, then the provisions of the Three-Party Agreement would be enforceable. In general, mitigation is part of the FR/EIS and the contract will stipulate the terms, including who is paying, what properties are affected, and who will do maintenance.

Rick McCloud (Centennial) stated that the Corps and the State will oversee that all contracts are enforced before the entities can use storage space. Once contracted, maintenance will occur on an ongoing basis. It is the role of the partners to ensure that mitigation and O&M measures are implemented, sediment is removed, wetlands are maintained, and all other requirements are met along Sugar Creek.

- *CE/ICA*. Tetra Tech prepared the CE/ICA based on the CMP mitigation projects; as previously indicated, the CE/ICA will be included in the CMP.
- *Impacts to Steams*. A discussion evolved around potential impacts to streams from implementation of the project. Gene Reetz (Audubon Society) stated that it is necessary to understand the hydrologic regime of the project to ensure that losses to impacted stream resources are successfully mitigated. Specifically, he wanted to know whether the project will mitigate for reaches of flowing streams lost through inundation. As a related question, Mike Mueller (Sierra Club) questioned how the decision was made to apply the EFU approach to quantify impacts of the project on Preble's mouse critical habitat, migratory bird habitat, and wetlands, but not streams, in order to identify mitigation actions and implement monitoring and adaptive management. Mike noted that there will be loss of about a 1-mile stretch of flowing water in the S. Platte River and associated trout fishing area. In terms of project history, Gary noted that concerns about impacts to the S. Platte above Chatfield had not been brought up during Scoping and had not been raised by CDOW. Steve Dougherty (ERO) indicated that the CMP addresses hydrologic regimes and includes several success criteria to evaluate that mitigation measures are implemented and effective. He did not know specifically how lost miles of flowing streams would be mitigated for, although he noted that there is an inherent tradeoff between reservoir gain and stream loss. Gene asked if loss of one resource could be replaced by another resource. Kent Wiley noted that Chatfield Reservoir water levels fluctuate, so it is possible that stream inundation has been part of the interplay between the streams and reservoir all along, and that streams cannot be destroyed as a result of reservoir operations. Rick McCloud (Centennial) noted that it is late in the process to be raising such a critical issue. EPA responded that the agency regulates streams under CWA, and that loss of a stream reach and lack of appropriate mitigation strategies are issues that must be addressed in the FR/EIS. Pete Conovitz stated that CDOW has raised this issue in the past. Mike wondered whether mitigation actions

undertaken to benefit Preble's mouse critical habitat could also serve to mitigate for stream impacts, and whether removing sediment from Sugar Creek could mitigate for upstream impacts. Ann Bonnell (Audubon) thought that perhaps impacts to resources such as flowing streams were considered as part of a parallel process to the evaluation of Preble's mouse critical habitat, bird habitat, and wetlands, and so the issue had in fact been considered but dismissed upon evaluation as not significant. The question is complicated by the seasonal changes in stream flow noted under current conditions. In general, however, the increased storage in the reservoir will act to decrease stream flow downstream. Appendix H data show probable stream flow by month. There is no new water, but stream flow will be affected by seasonal storage patterns in the reservoir. Therefore, the timing of storage operations is a concern when evaluating impacts to streams.

- *Tree Removal.* The tree removal action is a clearing and grubbing construction activity that will need to be implemented prior to inundation. Cost estimates to perform the work are being prepared and will be included in the draft Tree Removal Plan to be sent to the Corps. An estimated 300 acres of trees will be cleared, corresponding to pool elevations between 5,432 and 5,439 ft. The trees must be hauled from the area to limit biomass in the pool and preserve water quality. The need for subsequent tree removal will be part of the adaptive management activities conducted for the project. Adaptive management techniques will be applied to determine whether trees at elevations between 5,439 and 5,444 need to be cleared. Heather Dugan (State Parks) noted that it would be desirable to limit tree removal to the minimum number required. Adaptive management would allow the project to conserve trees if they can survive partial inundation. Brent Truskowski (EPA) recommended that tree removal should be coordinated with the phased approach for inundation, and Gary agreed that this would be included in the draft Tree Removal Plan.

b. Recreation Facility Modification Analyses (Corps, State Parks, and Centennial)

- *EDAW Report.* The EDAW report is complete and comments have been incorporated. The report has been distributed to the Corps and Water User group for review. The Recreational Facility Modification Plan will be an appendix to the FR/EIS, and habitat impacts are being addressed in Chapter 4 of the FR/EIS and the CMP.

c. Socioeconomic Analysis (Corps and State Parks)

- *UDV Study.* The UDV study has been completed and the UDV Analysis report has undergone ATR review. The draft FR/EIS will include a summary of the recreation-economic evaluations (i.e., UDV study and BBC study). The UDV and BBC studies will be included as appendices to the FR/EIS.
- *BBC Study.* The updated scope for the revised BBC study was needed by the Corps to provide data to evaluate regional economic development and show how operations at Chatfield State Park will be affected by the reallocation project. Questions were asked about potential benefits that might result from the project, such as increased boating opportunities from increased reservoir water levels. Jack Ostrowski (Castle Pines Metro) stated that there would be no increase in "boatable" acres. Karen

Sitoski (Corps) noted that the BBC study includes UDV and number of site visits. She said that the 100-year flood pool was acquired through imminent domain, and no additional land is being purchased. The State Park boundaries are the same, and so the same or increased number of visitors could attempt to use fewer acres of park land, resulting in a negative impact.

The final revised BBC study will undergo review by the Corps ATR team. Tetra Tech will incorporate the conclusions of the updated BBC study into the draft FR/EIS.

d. Public Involvement (Webb PR)

- Sarah Oehler (Webb PR) presented the public outreach update.
- Updated flyers will be distributed from the Chatfield Visitors Center and State Parks office that communicate the new anticipated draft FR/EIS release date. These have been approved and ordered. The newsletter will be updated.
- The Web site was updated and an update email was distributed to the mailing list to inform them about the anticipated draft release date and provide information on the public comment process. The number of website hits increased to 614 contacts in response to the updates.
- Tom asked whether the posted signs are generic in nature, with no release date indicated. Sarah responded that the signs are generic in the information they provide.
- Sarah will meet with Gwyn after the meeting to develop a plan for the draft FR/EIS release date and how to notify the public and media.
- Stakeholder List: Current composition includes 614 general contacts. A total of 89 proactive additions have been reported to date, including 12 from calls to the hotline, 9 from e-mail requests, 64 via the “Contact Us” form on the Web site, and 4 additions from Webb PR.

4) Wrap-up—Next Meeting Date:

- *Next meeting date:* Thursday, April 21, 2010, at 9 am, Tetra Tech conference room on 10th floor (Gary will check on availability of the Conference Room and notify Tom).