

Chatfield Reallocation FR/EIS Study Meeting
Tetra Tech Conference Room, Lakewood, Colorado
Thursday, March 26, 2009: 9:00 am–11:30 am

1) Introductions

Meeting attendees introduced themselves to the group. Tom Browning (Colorado Water Conservation Board [CWCB]) welcomed the group and presented the agenda. Due to the inclement weather, several members of the group attended via teleconference.

2) Review Agenda and General Announcements

3) Study Updates

- **(3a) Budget.** Eric Laux (U.S. Army Corps of Engineers [Corps]) stated that the status of budget issues remained largely unchanged from the last meeting (i.e., remaining funds, SACCR, change order, COE audit, future needs). Out of anticipated funds of \$191K (including \$51K under CRA), \$40K had been loaded to support UDV effort. The remaining funds were expected to be loaded by first week of April. Regarding CWCB funds, the change order had been signed within last few weeks, and Tom Browning expected the funding to be available shortly.
- **(3b) Study Schedule** (including discussions on the IRC and key milestones). Eric indicated that he expects the schedule to slip due to a number of factors. The IRC (formerly the AFB) submitted the draft FR/EIS document to Headquarters on February 13, 2009. The planned review timeline called for 30 days notice to prepare for a March meeting, which was later scheduled for early April. However, it appears that additional time is needed to complete the review, which is now expected to conclude in late April or early May. At that time Headquarters will provide their comments to the group concerning document format, policies, and any issues that must be addressed before the Draft FR/EIS can be released to the public. They are also expected to issue a memo/checklist that will be used to guide progress towards completion of the draft. Once Headquarters has provided their comments, comments received from Colorado State Parks (DNR) and other sources will be compiled. Eric will share additional information about the IRC when it becomes available.
- Eric said that Division provided informal comments on the FR/EIS separate from the comments from the ATR. Division thought that the information was well presented but that the document did not sufficiently address dam safety. They suggested that dam safety be discussed in a separate section of the document. Eric recommends maintaining contact with Headquarters and Division and involving all parties in the review process to achieve consensus on the project.
- The Corps received feedback from Headquarters on the model certification. Recommends beginning review of the model.
- Rick McCloud (Centennial) asked whether the July date to provide the Draft FR/EIS to the public is still reasonable. Eric responded that some uncertainties in the schedule could affect the timeline, but that it is important to perform the project with all required due diligence.

- **3(c) Seismic.** Eric indicated the seismic study is now in progress. The Corps is interested in using federal stimulus funds to cure backlog of seismic data acquisition needed to support dam safety and maintenance. The Corps geotechnical team needs to schedule time to perform the seismic safety review and geotechnical work. The slope stability and liquefaction analyses have been subcontracted. The seismic effort should conclude prior to the end of the fiscal year, before the ROD is scheduled for submittal to the Secretary.
- **3(d) Other Items—404 Permit.** Brent Traskowski (EPA) summarized EPA's position concerning need for a 404 permit, and the scope of the 404(b)(1) analysis. The EPA intends to address all criteria as if a permit were required for the project. Eric noted that there are differences of opinion about the 404 permit, and that a separate meeting should be scheduled between EPA and the Corps. John Hendrick (Centennial) inquired as to why the EPA was pursuing this course of action because it could ultimately delay the project. Brent responded that the 404 permit program is required by law (and NEPA) and that it may be difficult for the Corps to permit the least damaging alternative without implementing this process. EPA believes that a permit should apply as a single complete project because rising water levels could cause other impacts. Brent says that the EPA is working with the Corps to ensure that project progress continues. John Hendrick asked whether mitigation would help completion of the process. Brent responded that harm to the environment must be prevented and that mitigation is only one consideration.
- Eric stated that Denver requires water sources in addition to conservation, and the Corps considers storage of water supply a critical local issue. Also pointed out that local users will need more water than even reallocation of Chatfield Reservoir can provide, and other solutions will be needed to meet future needs. Brent responded that the EPA understands this position but must consider factors in addition to local water needs. Rhonda Sandquist (Roxborough) suggested looking into NEPA triggers. The Waste Conservation Board can provide information to help clarify situation. Brent says that in any case the EPA believes that the FR/EIS contains all the information required to complete a baseline analysis. Eric will discuss with regulatory specialists at Corps and CWCB and will work with EPA to resolve the issue.
- **(3d) Other Items—Contact from Englewood.** Eric received letter from Englewood indicating their desire to be recognized as a stakeholder. Englewood apparently fears that their water intakes will be adversely affected by lower flows downstream as a result of the project. Eric will consult with CWCB to respond to the letter and hopes to schedule a meeting with Englewood officials to discuss the project. Rhonda suggested that the response should include information on verdicts from applicable court cases. She stressed that the project has a strong legal basis and that Englewood had been given the opportunity to participate (attended meeting in 2006). Eric noted that the Corps has a junior water right and will only take water during times of high flow. Hydrogeologic studies show that the project likely will not affect water intake systems downstream, cause perennially reduced flows, or require hardness treatment and sludge remediation.
- **(3d) Other Items—Control of Information.** Eric provided a reminder that while the project team is performing to the best of its ability; care must be taken to prevent dissemination of predecisional information or misinformation.
- **(3d) Other Items—Berm.** Currently EDAW has plan for installing the berm around the pond perimeter. Spoke with hydrologist/Randy Bahm about controlling flood (capacity

curves). These curves should show how water could overflow the berm and document that the berm will not cause flood control issues. Geotechnical specialists are evaluating the EDAW seepage berm design to identify any safety issues.

- **(3d) Other Items—Contracting.** Rick McCloud understood that John Mitchem wanted to send a draft contract about the time the IRC would provide comments. Would like Eric to help this issue to conclusion. Sooner would be helpful because the allocation is atypical, requiring a combined cooperative agreement for construction. John was looking at precedents that could apply to the Chatfield Reservoir reallocation project so that the contract can be structured to meet the needs of the Corps.
- **(3d) Other Items—Independent External Peer Review (IEPR).** A policy decision is needed to determine whether this review can occur concurrent with public review of the Draft FR/EIS. A decision has not been made as to when the peer review needs to occur, but review schedule should avoid stacking reviews on top of one another.
- **(3d) Other Items—**John Hendrick asked Eric about Douglas County’s status as a cooperator. Eric said that he has not received a letter yet.
- **(3d) Other Items—**Gary indicated that Tetra Tech is reviewing key issues identified for recent Front Range water resource EISs, such as the NISP and Windy Gap projects, to ensure that the Chatfield FR/EIS adequately addresses these issues to the extent they are relevant.

4) EIS Discussion Items

- **(4a) Water Quality Analysis (Tetra Tech)—**Status unchanged since last meeting.
- **(4b) Environmental Mitigation Plan (ERO & Tetra Tech)—**Tom Ryon (Ottertail) reported progress on revising the Conceptual Mitigation Plan based on an Ecological Functions Approach (EFA) and resolving comments from the USFWS and CDOW. The plan can be completed upon concurrence from the USFWS and CDOW. Work is ongoing to calculate EFU impacts of the proposed alternative, develop site review data sheets, and complete dry runs of potential mitigation scenarios. The completion date of the Conceptual Mitigation Plan depends on the model review completion date.
- ERO & Tetra Tech met with Pete Plage (U.S. Fish and Wildlife Service [USFWS]), Lance Carpenter (CDOW), Brooke Fox, and Eric to review Functional Assessment methods and values (such as mitigation losses and gains, how values are calculated, and Weighting Factors [Proximity, Connectivity, Buffers]). Representatives from the Sierra Club and Audubon Society also participated. Work is approximately 75% completed; one additional meeting is planned to discuss scenarios and critical habitat along the Platte River and Plum Creek, receive input from the Corps, and finalize the document.
- Mary Powell (ERO) explained the group is working to define adequate mitigation for potential impacts (Weighting Factors and Connectivity). She has received feedback on the Weighting Factors and there are three scenarios that will feed into the economic analysis. Mitigation measures are based on accepted scientific findings (for multipliers) and the process will involve internal experts for bird and wetlands analyses, and external experts for the Preble’s mouse. In addition, Mary indicated that Pete will consult on Preble’s issues. The project considers proposed critical habitat in the Conceptual

Mitigation Plan (assessment and function), and Mary indicated that Preble's experts are part of USFWS recovery committee for the mouse. Eric said it is important that USFWS, CDOW, and Corps biologists concur on the factors. The FR/EIS needs to demonstrate that effective mitigation can be accomplished.

- The Corps is pursuing certification for EFA models (for wetlands, birds, and Preble's mouse). The model review team is working on an example scenario to show how the model will be applied and how it meets Corps requirements. Formal model review should begin soon. The completion date is uncertain because the Preble's mouse review could take some time. The Corps estimates that the review process could require 1 to 2 months before the model can be used to show incremental costs and mitigation effects.
- John Hendrick indicated that several technical, funding, and administrative concerns need to be addressed, including Master contract and O&M contracting issues. Eric and Tom indicated that the Corps and CWCB were working on the issues, but they require information that will be provided in the Conceptual Mitigation Plan. Considerations include preparation and timing of the Master Contract between the state and the Corps; O&M contracting and responsibilities; easements and real estate issues; formation of a mitigation committee/operating group to determine that appropriate mitigation actions are implemented and that the measures are functional, effective, and maintained; and recreation O&M Plan (such as weed control).
- **(4c) FR/EIS Chapters and Appendices (Tetra Tech)**—The Biological Assessment (BA) is being prepared by Tetra Tech/Ottertail and will be presented in an appendix of the Draft FR/EIS. The BA addresses only Federal species and is based on the selected alternative. It borrows from the Chapter 4 Impacts Analysis and the Mitigation Plan, so a more complete mitigation plan is needed to finish the BA. The BA will include the SPWRAP BA template to address T&E species in the Platte River in Central Nebraska (pallid sturgeon, interior least tern, piping plover, and whooping crane). Tom Browning noted that all water users are members of the SPWRAP program, and that they need to continue to pay annual dues. The Biological Opinion (BO) will be developed by the USFWS after the BA is formally submitted to USFWS. Pete Plage will prepare the BO and update the existing Planning Aid letter for submittal as an appendix to the Draft FR/EIS. The USFWS will prepare a Coordination Act report for the Final FR/EIS.
- **(4d) EDAW Recreation Analysis (State Parks)**—EDAW, State Parks, ERO, and CWCB are reviewing the cut-and-fill aspects of the plan. Borrow sites will be identified for drilling and geotechnical testing to determine whether the material is suitable for compaction and final intended use. CWCB has prepared a draft letter and maps that Fred Rios (Corps) will send to Omaha. EDAW is preparing plans showing cut-and-fill details for three critical elevations. The plans should be complete within 3 weeks; boring operations should take a few days, with results available from the laboratory in about 2 weeks.
- The Corps will consult with SHPO when maps and borrow plan are available to show how the project will avoid identified sites.
- **(4e) UDV Analysis and BBC study (Corps and State Parks)**—Betty Peake (Corps) will conduct an on-site meeting on April 16 at the Tri-Lakes visitor center with two groups of visitors. They will rate recreational activities in regard to socioeconomic costs and unit daily value (UDV). Brooke Fox and Hayley McKean plan to attend the user

group meeting as observers and it was recommended that Dave Giger also participate. The UDV analysis report will be ready in about one month after the meeting, and will include spreadsheets showing how recreational enjoyment could be affected by the project. The BBC will consult with Betty Peake and Dave Giger and is expected to complete the economic analysis report within 30 to 45 days after the UDV information becomes available.

- **(4f) Cooperator/Advisor Comments**—Karen Sitoski (Corps) asked Eric about a discrepancy in elevations at Plum Creek. Pete Plage had noted that the elevation of water at the confluence at Plum Creek and the reservoir did not quite match mapped elevations in the delta area (maybe off 2 to 3 feet). More dry land was observed at the pool elevation of 5,432 ft than was expected based on the map showing the 5,432 contour. The area is very flat and mapped with 2-foot contours, so interpolation and contour interval may be the issue. Tom Ryon will look into this issue to see if there is a significant difference.
- The Corps received 14 pages of comments on DNR letterhead (State Parks comments). Betty Peake will review the comments to determine whether any still need to be addressed.

5) Public Involvement (CBCN/WebbPR):

- Brooke and Hayley reported that flier distribution is going well. Approximately 1,700 fliers have been distributed and the Park has requested more copies. Eight 3-foot by 4-foot signs have been ordered, which will be installed at selected locations on 4 x 4 posts.
- The website is popular, with 15% of visitors being referred from other water sites. Some new website content currently under review includes maps showing the preferred alternative and use under reallocation, FAQs, and a glossary of terms. There have been recent comments by concerned users, including dog trackers and wildlife viewers, regarding the potential loss of upland areas at the Park.

6) Wrap-up—Next Steps and Meeting Date:

- Next meeting date: Thursday, May 14, 9:00 am–11:30 am, Tetra Tech conference room on 10th floor.