

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

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

**Thursday, August 13, 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 introduced the agenda. Topics included General Announcements; Study Updates; EIS Discussion Items, Socioeconomic Analyses, Public Involvement, and Wrap-Up.

### **2) General—T. Browning (CWCB):**

- Tom explored whether the group wanted to consider holding a meeting after the scheduled subcommittee meetings (first Tuesday each month) to discuss topics of interest. Topics could include ecosystem restoration and enhancement, downstream benefit to the South Platte River, and potential collaboration with other river projects. The agenda could include presentations or other format.
- Tom announced that a meeting to discuss issues related to the Environmental Mitigation Plan would be held directly following the FR/EIS study meeting. Expected topics included quantifying impacts of the reallocation project on Preble's mouse, birds, and wetlands using an EFU approach; identifying actions necessary to mitigate impacts; and establishing implementation processes including adaptive management and monitoring. Other points included critical habitat considerations under the Endangered Species Act, on-site mitigation for resources lost from full inundation, and off-site mitigation (future land contracts) to address connectivity, buffers, etc. needed to achieve equivalent functionality.
- Tom will represent Colorado at a national conference hosted by the U.S. Army Corps of Engineers: Collaborating for a Sustainable Water Future. The conference will be held August 26-27 in Washington, D.C. The conference is the culmination of three regional conferences that focused on issues related to water supply, especially state watershed issues. The national conference will highlight the efforts of state water programs, identify water-supply needs on a state level, and explore possible means of collaboration between the Corps and state water entities. He is looking for input from the group as to what topics to bring up during his meeting with Steve Stockton (Corps - Director of Civil Works).
- Cecily Mui (South Suburban parks and Recreation) reported that the City of Littleton has granted permission to conduct a feasibility study to explore improvements to the South Platte River in the 2.5-mile reach below Chatfield Dam and lakes in South Platte Park. Tom and Cecily observed the existing physical and biological conditions of the floodplain area along the river within South Platte Park that will be evaluated for possible geomorphological improvements to the aquatic and riparian habitats. South Platte Park may have mitigation opportunities for the Chatfield Project and should be considered if needed.

### **3) Study Updates—Eric Laux (USACE-Omaha):**

#### **a. Project management, budget, and schedule updates.**

- Eric reported the Corps' Chatfield budget currently has \$160,000 of ARRA funds. Eric had anticipated using half of these funds to support Tetra Tech work efforts and half to support the internal technical review (IEPR). The UDV analysis and model approval funds have been allocated. The Corps received \$54,000 in funds from the CWCB, and \$2 million allocated in HB 081346 by the legislature is still intact. Eric noted that funding is not allocated by the House or Senate for FY10 and finding funding could be a struggle. ARRA funds are not permitted to cover day-to-day activities by the Corps. Kayla (Corps) said that the project is looking at reprogramming funds in FY10, where specific monies are moved from one allocated project to another use. However, this can be hard to accomplish because rules come down each year prohibiting the Corps from using reprogramming as an option. Marge Price (Capital Representatives) is working on securing funding in an omnibus bill. She says that limited reprogramming of FY10 funds may be possible because the project met a trigger level of funding last year. Eric said that he would work with Kayla to see what options are feasible. Eric indicated that we would use current funding to get draft to the public and then need to find funding to go forward.
- Scope—The Corps needs to increase the project scope to extend the period of performance for Tetra Tech to the end of next fiscal year. If further seismic study is needed, the project could incur additional costs of approximately \$15,000. Funding will also be needed to complete the Real Estate Plan, for coordination with the U.S. Fish and Wildlife Service, and review of cost engineering data.
- Tom asked if there was possibility of fund carry-over. Eric responded that although state funds can be carried over, federal money needs to be spent in the year it was allocated for and should not be carried over. The ARRA funds need to be obligated in FY10. This funding is anticipated to be used for Tetra Tech and the IEPR in October.
- Eric hopes that by mid-October all outstanding studies will be complete and can be incorporated into the draft report within a 4- to 6-week period. The plan is to submit the draft FR/EIS for review in December 2009 so that it will be available to the public in January 2010.

#### **b. Seismic Analyses**

- The draft geotechnical analysis is under review. Based on conservative assumptions the preliminary factor of safety is reported at around 1.3. The assumptions used in the preliminary analysis are being re-evaluated and a final determination of the factor of safety is pending. If the final analysis indicates the factor of safety is less than 1.3 then further seismic study may be required. The preliminary results of the liquefaction and slope stability assessment indicate no structural concerns are present. Mike Mueller (Sierra Club) asked when the geotechnical and seismic hazard study results will be available. Eric responded that the report should be ready by mid-October. The District will work with the vertical team on these issues and will ensure that dam safety findings are included in the draft FR/EIS and are considered prior to issuance of a contract.

### **c. Other Items**

- *Real Estate Plan.* The draft EIS needs to include a Real Estate Plan that clarifies what types of real estate needs are associated with each alternative including easements, rights-of way, location of lands needed for mitigation (including Preble's mouse habitat and enhancements for riparian and migratory birds ownership), and costs. Mary Powell (ERO) compiled a list showing land ownership in areas where potential mitigation will occur. She also provided a map that indexes those parcels located within the watershed that could be used for mitigation purposes. The map did not show ownership of specific parcels, but is detailed and could be included in the Real Estate Plan if the units are appropriate.
- *Draft Easement Agreement.* The draft conservation easement agreement to acquire land parcels is close to completion, and should be ready in a few weeks. The generic agreement incorporates language provided by Brooke Fox (Chatfield Basin Conservation Network) and is subject to approval by the Corps' legal specialists. Need to determine who will hold the easements and implement them.
- *Coordination with EPA.* Corps regulatory specialists are working with EPA to resolve their concerns over the need for a 404 Permit, scope of 404(b)(1) analysis, and NEPA requirements. Differences between the Corps' P&Gs and EPA 404 planning requirements need to be reconciled in a timely manner so they can achieve consensus among the parties on any legal, political, and scientific/technological concerns and allow the project to advance.
- *Approval of Ecosystem Models—Wetlands and Migratory Birds.* The Corps' Kansas City ATR is reviewing the wetland and avian portions of the Ecosystem model. Comments are expected in approximately one week.
- *Approval of Ecosystem Model—Preble's Mouse.* Notice to proceed was given to Battelle for external peer review of the Preble's mouse portion of the Ecosystem model. Mark Bakeman will be performing the review. Eric expects comments to be available after approximately 3 weeks, with the final model completed within 5 weeks.
- Rick McCloud (Centennial WSD) asked about the status of document and formatting revisions identified as a result of the Policy Guidance Memorandum (PGM) review. Tetra Tech has reviewed the comments and generated a summary table detailing who should respond to each comment and what additional information is needed; the Corps is reviewing the table. The PGM review indicated that major items still need to be completed for the draft report including development of the Real Estate Plan and Environmental Mitigation Plan, and EPA coordination issues.

### **4) EIS Discussion Items:**

#### **a. Joint Comment Letter from State Parks and DOW (CWCB)**

- Tom received a letter from State Parks and Division of Wildlife listing additional comments. The comment letter will be distributed to the group.

## **b. Environmental Mitigation Plan (ERO & Tetra Tech)**

- Tetra Tech and ERO are working to complete the Environmental Mitigation Plan and are meeting after the FR/EIS Progress meeting to discuss status, comment resolution, and coordination. ERO has reviewed the PGM comments and developed a scope and schedule for the needed revisions. The environmental mitigation plan is being expanded by ERO to quantify impacts of the reallocation project on Preble's mouse, birds, and wetlands using an EFU approach; identify actions necessary to mitigate impacts; rank and prioritize mitigation actions; and establish implementation processes including adaptive management and monitoring. ERO will consider impacts and appropriate mitigation measures both on and off site, including on-site mitigation for resources lost from full inundation and off-site mitigation (future land contracts) to address critical habitat connectivity and required buffers. The adaptive management portion developed by ERO could address more than just Preble's mouse habitat, wetlands, and migratory birds, such as impacts to fish. Tetra Tech will develop the cost effectiveness/incremental cost analysis. The Ecosystem models need to be reviewed and approved before Tetra Tech can complete the cost analyses. The Environmental Mitigation Plan will be an appendix to the draft FR/EIS. Chapter 4 of the draft FR/EIS contains additional language describing potential mitigation measures for the project, and these sections will be revised by Tetra Tech to ensure that they reflect a synopsis of the environmental mitigation plan.

## **c. Recreation Modification Analysis (Corps & State Parks)**

- Dan Weber (State Parks) explained that the EDAW Recreation Modification Study is essentially complete. Ken Brink (State Parks) has approved the plan so it should be available to Tetra Tech and ERO soon. EDAW, State Parks, ERO, and CWCB are working to resolve some final issues, such as the re-grading plan, cut-and-fill details, and borrow areas. Final figures also need to be generated that show the proposed facilities at three critical water levels. The Recreation Modification Plan will be an appendix to the draft FR/EIS.
- Results of borehole drilling and geotechnical testing to confirm suitability of borrow areas will be incorporated when available. The geotechnical contractor (CTL) is waiting for final approval from the Corps to mobilize and for State Parks personnel to stake the test locations.
- Ken Brink asked if the cost analysis would include erosion control and weed control. , These costs will be included under the long-term operations and maintenance costs, but some design elements will not be included in the cost analysis, such as utilities. Contingency funds will need to be used to address some unknown features, such as utility placement, in the final design.

## **d. Socioeconomic Analysis—UDV Analysis and BBC Study (Corps & State Parks)**

- The draft FR/EIS will include a summary of the recreation-economic evaluations (i.e., UDV study and BBC study). The UDV Analysis report has been completed and reviewed. Betty Peake (Corps) has incorporated comments and final approval from the Corps is pending. The UDV Analysis results will be distributed after final approval is received. State Parks and the CWCB are working on the BBC study and expected to

finish revisions in about 2 weeks. Final approval from State Parks should occur in about 3 weeks.

**5) Public Involvement (PR Team):**

- During the July meeting, Sarah Oehler (WebbPR) and Brooke Fox (Chatfield Basin Conservation Network) discussed the need to work with State Parks, the Corps, and water users to address public concerns. They were also interested in ways to respond to questions in a consistent, proactive manner and effectively educate the public about the project. Several options were discussed to ensure park users are informed, including additional postings and signage and more wide-spread distribution of flyers.
- Mike Mueller (Sierra Club) asked whether it would be feasible for the PR team to develop presentation materials for environmental groups such as the Sierra Club. This effort could be considered after a new contract is issued to WebbPR. The group was reminded not to provide pre-decisional information to the public before the draft FR/EIS is available.

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

- Next meeting date: Thursday, October 15, 9:00 am–11:30 am, Tetra Tech conference room on 10<sup>th</sup> floor (Gary will check on availability of the Conference Room and notify Tom).