

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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TO: Chatfield Cooperators

FROM: Tom Browning

SUBJECT: Meeting Minutes
Chatfield Reservoir Reallocation Project

John W. Hickenlooper, Governor

Mike King, DNR Executive Director

Jennifer L. Gimbel, CWCB Director

What: Chatfield Reallocation FR/EIS Progress Meeting Minutes
Where: 143 Union Blvd, 10th Floor, Lakewood (Tetra Tech Conference Room)
When: Wednesday, August 17, 2011 (9:30 am to 11:30 am)

1. Introductions and general announcements
 - Tom Browning (CWCB) welcomed the group and introduced the agenda. Topics included Capitol Representatives update, Study updates (Project Management [revised schedule, division and HQ comment period, study budget/state funds, future notice in Federal Register and public release] and Discussion Items [Chatfield marina, public relation update, and public meetings]), and Wrap-up.
 - Tom welcomed Becky Mitchell to the group. She is with the Colorado Department of Natural Resources and will act as the liaison between the NGOs and Water Providers, and will coordinate activities between DNR Division office including Parks and Wildlife, CWCB, and Division of Water Resources.
 - Tom announced that two PowerPoint presentations of special interest to the project would follow the meeting at 11:30:
 - 1) Rick McLoud (Centennial WSD) presented Colorado Parks and Wildlife Impacts of Concern and Proposed Mitigations. The slides show the text that resulted from the State/Water User negotiation process. The language was developed to provide the public with as much information as possible about water level fluctuations, operational concerns, and potential impacts on the environment and recreational opportunities. Rick noted that this language is not final and is under Corps review. The draft FR/EIS will contain the Omaha-Corps' revisions to the negotiated language.
 - 2) Katie Fendel (Leonard Rice Engineering) provided a PowerPoint presentation that described progress, plans, and next steps to address NGO comments on the chatfieldstudy.org web site. In a meeting held last February the NGOs provided comments to improve the web site by adding a FAQ section, providing more information on the project, and enhancing visibility to the public.

2. Capitol Representatives update

- David Howlett of Capitol Representatives provided an update on Chatfield project funding. The House of Representatives has approved the FY 2012 Energy and Water Appropriations bill, which will secure annual funding for the Corps, among other agencies. The total funding level for the Corps provided in the legislation is expected to be reduced from last year's appropriation, with general investigation funds at around \$104 million. The U.S. Senate had not yet taken up the legislation.
- The Chatfield project is not currently in the President's budget as a water supply study, and earmarks are not being accepted. The project needs to continue to work with agency representatives and the administration to secure funding for future activities.
- The Chatfield project will likely face a similar Continuing Resolution scenario for fiscal year 2012. The team will again need to proactively work with the OMB, Corps, and congressional delegation to ensure the project has the necessary funding.
- The next meeting in Washington D.C. is scheduled for September 20 through 22, 2011. The meetings should wrap up a little before 6 pm on the 22nd. Currently 8 to 10 people have indicated they plan to attend. Please let David know if your organization will be attending the meeting.
- The Briefing Book for the Washington D.C. meeting has been revised to present the material in a cost-effective format. Bob Peters with Denver Water is printing the book, which should be ready sometime this week.
- The project representatives plan to meet with all nine members of the Congressional Delegation to discuss 2013 funding and the status of the draft FR/EIS. David is working to set up a meeting with OMB during the September meeting. David said that it has become more difficult to meet with the OMB, now that earmarks have been banned and there is increased pressure on OMB to fund projects. He has requested assistance from the Congressional Delegation to help with arrangements. David also hopes to meet with the Assistant Secretary of the Army (Civil Works) to discuss the ROD process. He noted that the Corps has been supportive, but the project needs to continue to raise awareness of the need for funds.

3. Study updates (Gwyn Jarrett [Corps]/Tetra Tech)

- a. Project Management (summarize study budget/schedule, Division and HQ review and comment period, and future notice in the Federal Register)
 - Gwyn notified the team that the draft FR/EIS package was sent to HQ and Divisions for review on August 15th, and should be in their hands by the 17th. She praised the team for achieving this very important milestone for the project, and recognized Tetra Tech and representatives from the water users for their quick response to the additional ATR comments. Tom thanked Gwyn for all the hard work performed by the Corps to produce the draft report for review.
 - Gwyn gave an update on the current status of the budget. The Corps had \$200,000 to support the project through the end of the current fiscal year. These funds covered \$68,000 for the contract modification awarded to Tetra Tech.

Initially \$25,000 had been allocated to pay for the Fish and Wildlife Service work and report, but this effort will only require \$15,000. Accounting for funds held in reserve by the Corps (\$29,000), approximately \$88,000 has been spent during FY 2011. The project will receive a contribution of \$73,000 from the CWCB, and with restoration of the reserved funds Gwyn anticipates \$102,000 will be available to cover the project through the end of the fiscal year. This budget takes the project to the top of the \$67,000 SACR limit. The funds will be used to incorporate remaining comments into the FR/EIS and hold public meetings, and can be carried over into FY 2012.

- Gwyn distributed the project schedule of the FR/EIS reviews and public meetings. The ATR review has been completed and the draft FR/EIS was submitted to Divisions and HQ for their review on August 15, 2011. Division and HQ plan to complete parallel reviews. The Omaha team is meeting with the IEPR (Independent External Peer Review) team on Friday, August 19.
- Comments from the Divisions and HQ reviews are anticipated by September 26, 2011 (based on a 30-working-day review period). If HQ gives approval of the draft FR/EIS by September 26, 2011, a notice will be published in the Federal Register and the document will be released to the public for review and comment on October 11, 2011. The public comment period is anticipated to last for 60 days, or until December 12, 2011. After December 12, comments on the draft will no longer be accepted, but Gwyn noted that the public will have the opportunity to comment on the final FR/EIS. Assuming a document release date of October 11, the public meetings are planned for the week of October 24 through 28, 2011, at locations to be determined. Gwyn told the group that the three meetings will need to be held during the same week since Corps representatives from Omaha would be attending, and travel budget is limited. The public meetings will be announced through paid ads in newspapers. An email will also be sent to the mailing list maintained by WebbPR. It was also suggested that notices be placed on the signs at Chatfield State Park.
- Gwyn noted a vertical-team teleconference is planned with Divisions/HQ two weeks after they receive the draft report. At that time she can discuss the review and answer questions to facilitate the review and approval process.
- There was some concern voiced over the timing of the meetings necessary to give the public adequate time to read and digest the draft report. As noted in the last meeting, CEQ regulations require a minimum of 2 weeks (15 days) between release of the draft FR/EIS and the first public meeting. Gwyn noted that a 2-week notice is considered adequate by the Corps based on evidence from similar projects. Many members of the public may not read the report, but would come to the meetings to learn about the project and develop their comments. Mike Mueller (Sierra Club) said that it is important to get information to the public about the meetings so they can attend even if they have not read the entire report. Katie Fendel referred to the effort to add FAQs to the web site that will help the public focus on the portions of the report that interests them. The web site will provide specific information on the location of key topics. Ann Bonnell

(Audubon Society of Greater Denver) noted that it would be a good idea to hold the public meetings before Halloween, as preparation for the holidays begins after Halloween and could potentially distract the public and lower attendance and public participation. .

- Gary Drendel (Tetra Tech) was asked about the notice that is required to be published in the Federal Register. He said that Tetra Tech would prepare a draft of the notice by the end of August so it would be ready when the Corps approves release of the draft FR/EIS for public review and comment.
- Possible sources of delay to the schedule include request for extension of the public review and comment period beyond the 60-day period, and if HQ does not approve release of the document by September 26. These conditions would result in revisions to the schedule.
- The current schedule shows approval of the ROD around March 8, 2013. At that point, the Water Supply contracts can be executed. Mike Mueller asked Gwyn whether the Corps had a process in place that would ensure that the cooperators are complying with the ROD. Gwyn explained that the contracts will be enforceable and that oversight will be maintained to ensure that adaptive management techniques are effectively applied. Katie Fendel noted that requirements are specified in 33 CFR 230.15.

b. Discussion Items

- i. Marina update – No new reports. The draft FR/EIS sent to the Corps for review contains language concerning the marina that was negotiated between the State and the Water Providers. The FR/EIS presents the findings of the EDAW and JRR reports and provide additional information about potential options and alternatives to relocate the facilities and associated costs.
- ii. Public relations update (Mark Shively [Castle Pines North Metropolitan District])
Mark discussed the status of the White Papers, methods to encourage public participation in the public meeting process, status of the process to select venues for the public meetings, and draft format of the public meetings.
 - The first three of a series of educational one-page White Papers on a number of topics have been finalized; two of these are already on the web site and the third White Paper should be posted shortly. Work is underway to publish the next three installments of the series.
 - Several methods were suggested for informing the public about the upcoming release of the draft FR/EIS for public review and comment and public meetings. These include publications such as the White Papers, paid advertisements, newsletters, changes to the web site, frequent refreshing of the web site, social media, refining the e-mail blast list, and media relations. Comment cards (post cards) and handouts containing a glossary of terms could be provided during the public meetings to facilitate public participation. The project status flyer was reprinted to show a 2011 release date for the draft FR/EIS.

- Mark and Gary Drendel (Tetra Tech) have evaluated potential sites for the public meetings. Three meetings are planned, two in the vicinity of Chatfield State Park and one in the Brighton-Greeley corridor. Possible venues include the Wildlife Experience, the new Arts Center at Lone Tree, Hudson Gardens, the DBG-Chatfield barn, and the cafeterias at four local high schools. Some of these facilities might be accessed free of charge or may require a small cleaning fee. Mark needs firm dates in order to check availability and terms. Gwyn noted that the locations of the public meetings still need to be finalized. The criteria include capacity for the expected number of attendees, parking, access, and amenities such as a sound system.
- Mark provided a synopsis of the proposed format for the public meetings developed in a meeting with Gwyn and Tetra Tech (Gary Drendel and Tony Truschel). There will be six stations staffed by the Corps, CWCB, CPW, and subject matter experts (from Tetra Tech, ERO, and EDAW) in key project areas, with 2 - 4 poster boards per station.
 - Station 1 - Meet representative of the Corps and CWCB (Introduction to project)
 - Station 2 - Five functions of the reservoir (Corps)
 - Station 3 - Screening process for alternatives, Corps Planning Process, NEPA process, preferred alternative (Tetra Tech and Corps)
 - Station 4 - Water supply and use (CWCB and Corps hydrologist)
 - Station 5 - Environmental Impacts, Benefits, and Mitigation (Corps, Tetra Tech, ERO, and Parks and Wildlife)
 - Station 6 - Recreational Impacts, Benefits, and Modifications (Corps, Parks and Wildlife, EDAW)
- Mike Mueller asked about the cost benefits of holding a meeting in the Brighton-Greeley corridor. The group discussed the rationale behind holding a meeting in the Brighton or other city located in the northern metropolitan area. The project generates interest over the entire metropolitan area, not just Douglas, Arapahoe, and Jefferson counties. The Corps wants to ensure that the review and comment period captures the concerns of all affected users in the eight-county study area. A major reason one of the meetings will be held north of downtown Denver is that agriculture is a main use for the water.
- Ann Bonnell asked two questions about the review and comment process. The first of these was to inquire whether the changes to the report would be marked so that reviewers on the team would not need to spend time reviewing text that had already been reviewed. Gwyn responded that although changes would not be marked in the report, the group could be informed as to where substantial changes have been made since the last review and what sections and appendices have not been changed.

- She also wondered whether the public would be required to use a given format to provide comments. The response was no, no special guidance is required.

4. Wrap-up: Next meeting: September 15, 2011, at 10:00 am.