

Summary

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New Document:

[FinalEIS](#)

8 pages (1.38 MB)

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Old Document:

[ChatfieldReallocationFinalDraftForReview.](#)

8 pages (185 KB)

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 indicates pages were changed.

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8. PUBLIC INVOLVEMENT, REVIEW, AND CONSULTATION

8.1 Introduction

The Chatfield Reservoir storage reallocation FR/EIS involves a wide range of potentially affected/interested parties, including federal and state government agencies, local government and elected officials, interest groups, and the general public. As the sponsors of the project, USACE and CWCB consulted with federal, state, and local government agencies during the FR/EIS planning process. Input from interest groups and the general public was also solicited, and all comments and recommendations were reviewed and considered in developing this document.

As the lead agency for the project, USACE developed a public involvement plan to ensure open communications from the beginning of the NEPA process. Specifically, the public involvement program objectives were to:

- Ensure that affected/interested parties receive accurate, timely information throughout the project by mailing the Scoping Notice and Draft FR/EIS Notice of Availability to parties recorded on the mailing list.
- Provide opportunities for affected/interested parties to convey their concerns and opinions and to ask questions as part of the NEPA process and FR public involvement requirements.
- Comply with NEPA, other applicable laws, and USACE regulations.

Table 8-1 presents a summary of NEPA public involvement performed by USACE for the Chatfield Reservoir storage reallocation study. The dates marked as to be determined will be revised by the Corps when this information becomes available.

8.2 Public and Agency Scoping Involvement

Scoping and public participation are very important parts of the NEPA process. The scoping period provides the opportunity for any parties who may be interested in or affected by the project to review the proposed action and provide input that will assist USACE in identifying significant issues related to the proposed action. The objectives were to (1) identify the affected public and agencies, (2) define the issues and reasonable alternatives evaluated in the Draft and Final EISs, and (3) help ensure that the Draft EIS adequately addressed relevant issues, thus avoiding extensive revisions or supplements.

The NOI (Notice of Intent), scoping meeting notice, and scoping meetings were used to achieve the NEPA scoping requirements. The primary scoping comment period opened October 26, 2004, and scoping comments were formally received through March 2005. USACE published a NOI to prepare the FR/EIS in the Federal Register on September 30, 2004 (69 Federal Register 58412-58414). After submitting the NOI, USACE mailed a public notice to eight local newspapers on October 15, 2004, and a scoping notice was prepared and mailed to approximately 210 individuals and agencies identified on the mailing list. The scoping notice discussed general background information about the project, as well as the dates and times of the public scoping meetings.

Table 8-1. Public Involvement Activities for the Chatfield Reservoir Storage Reallocation Study

Activity	Date
Published Notice of Intent	September 30, 2004
Developed and Hosted Project Websites	Ongoing
Mailed Scoping Notice to Public	October 14, 2004
Scoping Open House (Littleton, Colorado: 7-9 p.m.)	October 26, 2004
Scoping Open House (Greeley, Colorado: 7-9 p.m.)	October 27, 2004
Agency Scoping Meeting	February 10, 2005
Scoping Comments Received ¹	March 30, 2005
Distribution of project update flyers to the public	October 2007, January 2009, February 2010, April 2011, and March 2012
Development of the project website	January 2009
Published Public Notice and News Release of Draft FR/EIS Availability	June 8, 2012
Draft FR/EIS Released	June 8, 2012
Draft FR/EIS Comment Period	June 8, 2012 – August 7, 2012
Public Meetings on Draft FR/EIS	June 25, 26, 27, 2012
Published Public Notice of Final FR/EIS Availability/Final FR/EIS Released ²	TBD

¹ USACE received approximately 200 individual comments from October 26, 2004, to March 30, 2005. Ten comments were received by letter after March 30, 2005.

² Final FR/EIS dates are to be determined (TBD)

USACE hosted public scoping meetings on Tuesday, October 26, 2004, in Littleton, Colorado, and Wednesday, October 27, 2004, in Greeley, Colorado. In addition to representatives of USACE and its contractor Tetra Tech EC, Inc., 18 people attended the Littleton meeting and 1 person from the general public attended the Greeley meeting; attendance was low because no newspapers printed the information provided by the news release. An agency scoping meeting was held February 10, 2005, in Littleton and, in addition to USACE and Tetra Tech EC, Inc. staff, 37 representatives of federal, state, and local governmental agencies attended. The meetings consisted of a brief presentation by USACE and displays, including maps showing the Chatfield Reservoir and different pool elevations. USACE received 29 verbal comments at the meetings, as well as 160 comments in letters and 11 comments in emails, totaling approximately 200 individual comments from October 26, 2004, to March 30, 2005 (comments received from both the public scoping meetings and the agency scoping meeting). In addition, 10 comments were received by letter after March 30, 2005. Appendix P contains a detailed spreadsheet of all scoping comments pertaining to the FR/EIS. Additionally, full comment letters are part of the public record and available for review at the USACE Tri-Lakes Information Office at Chatfield Dam and Lake.

In addition to the above public outreach approach, CWCB developed a project website (formerly <http://www.cwcb.state.co.us/flood/chatfield.htm>, now at <http://cwcb.state.co.us/water-management/water-projects-programs/Pages/ChatfieldReservoirReallocationProject.aspx>). USACE has provided materials for posting on the site. The CWCB website was set up for the public to view the project schedule, public involvement information, meeting minutes, and reports associated with this project. A more detailed project website was developed by the water providers, in cooperation with CWCB and USACE, and was launched in January 2009; it is located at <http://www.chatfieldstudy.org>. This website provides the public with a number of options for

obtaining additional information, including joining the mailing list, or contacting the study team via email or a toll-free phone number. ▲

▲ Project update flyers were prepared in October 2007, January 2009, February 2010, April 2011, and March 2012 and distributed to the public via email, the project website, and at the park gates and information centers at Chatfield State Park.

8.3 Public and Agency Scoping Comments

The regulations for implementing NEPA require USACE to employ scoping as an early and open process to identify significant concerns from the public, organizations, and agencies. The concerns identified during scoping focused the analysis within the FR/EIS. USACE received about 200 scoping comments that focused the analysis. Some comments submitted related to broad concerns, while others addressed very specific positions or recommendations for analysis and provided input on all aspects of the FR/EIS process, including authorizations, alternative analyses, baseline conditions, impact analyses, and mitigation.

8.3.1 Authorizations

One comment suggested that the discussion of purpose and need should describe the multipurpose authorities stated in the enabling legislation (i.e., municipal and industrial water supply, recreation, fish and wildlife) and explain how they relate to discharges and the operational model. Other comments indicated that the funding authorized LWCF (Land and Water Conservation Fund Act) program funds for Chatfield State Park and that the discussion of authorizations should include the implications of the LWCF funding.

Commenters indicated that it was important to know how the reallocated storage capacity would be filled and managed. One concern was the effect on operations by junior versus senior water rights holders among the water providers slated for the reallocated storage. Commenters also suggested a discussion on the effect reallocation could have on operational changes to other reservoirs in the South Platte River Watershed. The most widely expressed concern about operations surrounded the effects of water level fluctuations on numerous resources, including aquatic resources, fishery, wildlife habitat, vegetation (including noxious weed establishment and control), water quality, and recreation (including the use of the beach by swimmers and potential hazards to boaters).

8.3.2 Alternative Analyses

Comments concerning alternatives requested that USACE consider (1) offsite water storage alternatives, (2) building a wave action parapet wall around the existing structure, (3) increasing outlet releases during severe flood events, (4) increasing the size of the spillway, (5) conducting a site-specific antecedent flood study, and (6) examining conservation alternatives for water supply to the Denver Metro area. Of the conservation comments received, commenters requested that USACE consider specific water conservation measures as part of either the No Action Alternative or of one that did not involve the reallocation of additional water storage. Recommended conservation measures included:

- Continuing water rate surcharges all year.
- Continuing no-water days for the whole watering season (mandatory).
- Giving rebates year-round for the installation of low-flush toilets.

- Placing a water rate surcharge on bluegrass and median grass.
- Using outlying reservoirs/off-channel storage.
- Promoting the use of water budgeting systems in the metropolitan area.
- Conserving and reusing.
- Stabilizing the population.
- Leasing agricultural water rights.

8.3.3 Cumulative Effects

Cumulative effects concerned the evaluation of Denver Water’s proposal for the Chatfield Reservoir pump station (as a potential future baseline condition). Some comments on Denver Water’s proposal to pump water from below the conservation pool elevation in times of drought suggested including the proposal as part of this FR/EIS, while other commenters pointed out that they are two separate and unrelated projects that should not be considered together. Other issues related to cumulative effects include the potential impact on South Platte Park from recreational users displaced from Chatfield State Park, as well as the effects of other diversions from the reservoir. Details regarding cumulative effects of these and other projects are provided in the Cumulative Impacts section of Chapter 4.

8.3.4 Mitigation

Commenters from the public, organizations, and agencies offered suggestions on mitigation. One group suggested that mitigation include regularly updated announcements of changes in the water levels via a phone number or Web site for recreation purposes. Other commenters suggested that any relocated recreation facilities be designed to survive flooding. CDOW offered technical guidance on planting, including trees, shrubs, grasses, and forbs. The Chatfield Basin Conservation Network offered assistance in identifying buffered conservation areas for threatened or endangered species, such as Preble’s meadow jumping mouse. Denver Botanic Gardens at Chatfield offered assistance in identifying mitigation areas and how Denver Botanic Gardens at Chatfield might become stewards for these mitigation areas. Douglas County offered assistance in identifying wetland and riparian areas along the reservoir, Plum Creek, and South Platte River, as well as proposing a tree/shrub corridor between Chatfield State Park, Plum Creek, and the South Platte River.

8.3.5 Pool Elevation Fluctuation

Commenters were concerned that pool elevation fluctuations creating a wider shoreline area without vegetation could have the following negative impacts: (1) noxious weed spread, (2) wind erosion and deposition, (3) decreased accessibility to water-based recreation opportunities, (4) decreased recreation use, and (5) aesthetics. Commenters also noted that pool elevation fluctuations could also have the following positive impacts: (1) supporting nesting and migrating shorebirds, waterfowl, wading birds, and other bird species and wildlife and (2) creating an attraction to wildlife that provides viewing opportunities for visitors.

8.3.6 Water Quality

Commenters noted that an existing TMDL (total maximum daily load) may need to be modified, if retention times within the reservoir change. Commenters also voiced concerns about nutrient levels (especially phosphorus) with the changes in retention times and fluctuation of the pool. Some scoping comments wanted the FR/EIS to recognize metals mobility from sediment, including possible contaminants such as mercury sedimentation loads from the Hayman fire. Several

commenters mentioned nutrient loading and addressing related impacts. Additionally, *E. coli* came up as an issue during the water quality work group meetings, and it is therefore included in the FR/EIS.

8.3.7 Aquatic Life and Fisheries

Scoping comments concerning aquatic resources included (1) identifying aquatic impacts above and below the reservoir because of water flow levels, (2) addressing impacts to reservoir fish populations, and (3) a statement that flooding vegetation can provide good habitat for fish and other aquatic species.

8.3.8 Riparian Habitat, Ecosystem, and Wetlands

Public sector and agency commenters requested the analysis identify a number of species for consideration, including special status plants and animals, migratory birds, water birds, sport fish, and non-sport fish. Specifically, commenters expressed concern about the loss of habitat as a result of the increased water levels and the negative effects that fluctuating water levels could have on breeding and spawning areas. Additionally, some scoping comments addressed concern about the effects of inundation around the reservoir and upstream from the reservoir, as well as change in stream flows downstream and their subsequent effects. Other comments included the release of water downstream that would benefit the ecosystem of the urban reach of the South Platte River.

8.3.9 Vegetation

Scoping comments suggested the need to look at impacts on riparian habitats around, upstream, and downstream of the reservoir. Impacts on threatened and endangered species, such as the Colorado butterfly plant and Ute ladies'-tresses orchid, also need to be addressed. Regarding noxious weeds/invasive species, a few scoping comments suggested the need for a noxious weed control plan because the pool elevation fluctuations would be expected to aid the spread of noxious weeds, especially tamarisk.

8.3.10 Wildlife

Scoping comments included concerns about impacts to the Preble's meadow jumping mouse population and their habitat, as well as impacts to the riparian habitat, important to migratory birds and songbirds. Comments identified threatened and endangered species and state species of concern, including the bald eagle, Mexican spotted owl, piping plover, whooping crane, Canada lynx, Preble's meadow jumping mouse, Pawnee montane skipper, heron (rookery), western burrowing owl, white pelicans, ferruginous hawk, northern leopard frog, deer, and black-tailed prairie dog. Mitigation measures were also suggested and included conservation of tributary streams (Willow Creek) and surrounding upland habitat that could be vital to the perpetuation of the Preble's meadow jumping mouse.

8.3.11 Socioeconomic Resources

Socioeconomic issues raised in scoping comments included the benefits of relatively low costs for increased storage capacity in the reservoir and concern about the loss of revenues for the park and concessionaires operating within it (i.e., reducing recreation services, lower water levels). One commenter also requested that the FR/EIS address environmental justice (U.S. Executive Order 12898).

8.3.12 Recreation

Recreation-related comments focused on fluctuating water levels and how they could affect access to boating, fishing, swimming, bird watching (wildlife viewing), and handicapped fishing access. Boaters additionally expressed concern about the potential hazards that would result from trees and brush being inundated. Concerns were also identified regarding the potential to inundate new roads built within the park and the width of proposed bicycle lanes. Comments specifically stated that (1) recreation use may be hindered by the pool elevation fluctuation; (2) relocated facilities may not be useable because of the low pool elevation (in drought years); (3) potential changes may occur in recreational experiences, even after the relocation of recreation facilities; (4) USACE must evaluate the “Conversion of Use” this project proposes with the LWCF Act Section 6(f)(3) (Public Law 88-578, as amended); and (5) the recreation study should address pool fluctuation.

8.4 Public and Agency Involvement Regarding the Draft FR/EIS

The Corps and CWCB have held many meetings during the course of the Chatfield Reservoir storage reallocation study. Many of these meetings have been open to the public, and a number of these meetings have been conducted pursuant to advance CWCB public notice and are documented on CWCB's current project Web site <http://cwcb.state.co.us/water-management/water-projects-programs/Pages/ChatfieldReservoirReallocationProject.aspx>.

In addition, there have been a number of public actions that have taken place related to the Chatfield Reservoir storage reallocation study. These include CWCB meetings and decisions, proposed state legislation, and resolutions and letters of support from elected officials and cooperators (The Greenway Foundation, 2008). In March 2006, Colorado's seven representatives to the U.S. House of Representatives submitted a letter to Congress requesting continued funding of the Chatfield study (DeGette et al., 2006). In May 2007, CWCB approved Resolution 2007-2 in support of the Chatfield Reservoir Reallocation Study (CWCB, 2007). Also in 2007, the Colorado State Senate approved Senate Joint Resolution 07-019 in support of the Chatfield Reallocation project (State of Colorado, 2007). In January 2008, Colorado Governor Bill Ritter issued a letter of support for funding the Chatfield Reservoir Reallocation EIS (Ritter, 2008).

There are a number of entities that have been invited by the Corps to participate in the Chatfield Reservoir storage reallocation study as Cooperating Agencies and Special Technical Advisors (see Table 8-2). The Cooperating Agencies and Special Technical Advisors were given the opportunity to review and comment on the Preliminary Draft chapters of the FR/EIS. Under authority of the Fish and Wildlife Coordination Act, the U.S. Fish and Wildlife Service (a cooperating agency) has provided the Corps with a Planning Aid Report (February 2006) and a progress letter (July 2010) (see Appendix X). Appendix S summarizes compliance of the preferred alternative with Federal environmental statutes and regulations, and includes coordination letters between the USACE and other agencies.

A project update was prepared in October 2007 and copies were provided to the public at Chatfield State Park and through the CWCB's Web site. Copies were also provided at the annual stakeholder's meeting of the Chatfield Basin Conservation Network (October 2007). In January 2009, the information was made available through <http://www.chatfieldstudy.org>. Additional project updates were prepared and distributed in January 2009, February 2010, April 2011, and March 2012.

Table 8-2. List of Cooperating Agencies and Special Technical Advisors for the Chatfield Reservoir Storage Reallocation Study

Audubon Society of Greater Denver
Capitol Representatives
Castle Pines Metro District
Castle Pines North Metropolitan District
Centennial Water and Sanitation District
Center of Colorado Water Conservancy District
Central Colorado Water Conservancy District
Chatfield Basin Conservation Network
Chatfield Watershed Authority
City and County of Denver
City of Aurora ¹
City of Brighton ¹
City of Littleton
Colorado Division of Wildlife
Colorado Environmental Coalition
Colorado State Parks
Colorado Water Conservation Board
Denver Botanic Gardens at Chatfield
Denver Water
ERO Resources Corporation
Great Western Institute
Greenway Foundation
Hock Hocking L.L.C. ¹
Kent Wiley (former Chatfield State Park Manager)
Metro Wastewater Reclamation District
Mount Carbon Metropolitan District
Parker Water and Sanitation District ¹
Perry Park Country Club ¹
Roxborough Park Metropolitan District ¹
Sierra Club, Rocky Mountain Chapter
South Metro Water Supply Authority
South Suburban Parks & Recreation District
Town of Castle Rock
Trout Unlimited
U.S. Fish and Wildlife Service
Western Mutual Ditch Company
Western Resource Advocates

Notes:

1. These entities were initial participants in the project, but are no longer participating as water providers. Aurora and Roxborough are in the process of withdrawing from the project.

On June 8, 2012, the Notice of Availability was posted in the Federal Register. During the public comment period the Chatfield Reservoir Storage Reallocation FR/EIS was available online at http://www.nwo.usace.army.mil/html/pd-p/Plan_Formulation/GI/GI_Chatfield.html. The comment period was open from June 8, 2012 to September 6, 2012.

Hard copies were made available no later than June 15, 2012 at the following community libraries and Corps of Engineers Chatfield Project Office.

- Highlands Ranch Library, 9292 Ridgeline Blvd., Highlands Ranch, CO 80129, 303-647-6642.
- Colorado Water Conservation Board, 1313 Sherman Street, Room 721, Denver, CO 80203, 303-866-3441.
- Columbine Library, 7706 West Bowles Avenue, Littleton, CO 80123, 303-235-5275.
- Lincoln Park Library, 919 7th Street, Suite 100, Greeley, CO 80631, 970-546-8460.
- Aurora Public Library, 14949 E. Alameda Parkway, Aurora, CO 80012, (303) 739-6600
- US Army Corps of Engineers, Tri-Lakes Project Office, 9307 S. Wadsworth Blvd., Littleton, CO 80128, (303)-979-4120.

Public involvement meetings were held from 5:30 PM to 8:30 PM at the following locations on the specified date:

1. Monday, June 25, 2012—The Wildlife Experience, 10035 S. Peoria St., Parker, CO 80134, (720) 488-3300.
2. Tuesday, June 26, 2012—Dakota Ridge High School, 13399 West Coal Mine Avenue, Littleton, CO 80127, (303) 982-1970.
3. Wednesday, June 27, 2012—Valley High School, 1001 Birch St, Gilcrest, CO 80623, (970) 73-2494.

A total of 903 comments (via letters and emails to chatfieldstudy@usace.army.mil) were received on the Draft FR/EIS during the public comment period. Commenters included the general public and representatives from federal, state, and local government, water providers, non-governmental organizations, law firms, schools, homeowner's associations and housing developments, agricultural interests, businesses, recreational groups, and elected officials. The U.S. Department of the Interior, and the U.S. Environmental Protection Agency were the federal agencies that provided comments. State of Colorado agencies providing comments included the Colorado Department of Natural Resources, Colorado Division of Water Resources, and Colorado Water Conservation Board. All of the comments were reviewed and categorized based on the topic of the comment. In responding to the comments, multiple comments on the same topic were consolidated into a single comment or set of comments on that topic. Categories with the most comments (in descending order) were mitigation, alternatives, economics, recreation, water rights, NEPA, downstream flow, planning process, and water quality. The FR/EIS has been revised to incorporate responses to substantive public comments, as appropriate. Appendix DD includes a list of all commenters, the consolidated comments, and the Corps of Engineer's responses to the comments on the Draft FR/EIS. Appendix DD also includes copies of the agency comment letters.