

CHAPTER 4—CONSULTATION AND COORDINATION

Plan Formulation and Public Scoping Activities

Plans for providing fish passage at the Price-Stubb Diversion Dam have been under development for many years. Initially, the primary participants in the planning process were the Recovery Program agencies and water users. Since 1993, Reclamation staff have formally and informally discussed with water users and land owners, the need to provide fish passage and associated concerns at the Price-Stubb Diversion Dam.

In July 1998, four letters were received from organizations urging an alternative in addition to the Conventional Fish Ladder and Dam Removal Alternatives (Rocky Mountain Canoe Club, Western Association to Enjoy Rivers, Colorado Association of Paddle Racers, and American Whitewater). They suggested construction of a fish ladder channel that would also accommodate river craft such as rafts, kayaks and canoes. Two similar letters were received from individuals; one suggesting a race course for kayaks and canoes. In October 1998, Reclamation staff met with representatives of these organizations and local boating enthusiasts to discuss options and issues plus costs that could be involved.

In December 1998, letters were mailed to 83 agencies, individuals, and organizations who could potentially be affected by a fish passage at the Price-Stubb Diversion Dam or who could be expected to have relevant information on the project. The letters announced Reclamation's intention to prepare a Draft Environmental Assessment, described the conventional fish ladder and dam removal alternatives, and requested comments and concerns about the project.

Reclamation announced the project in a December 15, 1998 news release that resulted in articles on the subject appearing in several western Colorado newspapers. Also in December 1998, American Rivers, a national conservation organization with more than 20,000 members, posted information about the fish passage project on their Internet web page.

More than 100 individuals and organizations provided written comments. Eighty-three of those responding did so via electronic mail. Comments were received from 53 individuals and organizations within Colorado, 36 from outside the state, and 23 who did not provide their mailing address or location. Concerns ranged from "do nothing" to suggesting construction of a whitewater park. Most encouraged dam removal, citing various benefits such as providing a more natural environment for the fish, improving river recreation, and costing less than building a fish ladder around the dam. The dam's safety hazard to boaters and the need for more recreational access were mentioned frequently. Many expressed disappointment that an alternative to create a

whitewater park was not included in the scoping document. Comment summaries were included in the April 1999 Draft EA.

A Draft EA was distributed for public comment on April 30, 1999. The 1999 Draft EA evaluated fish passage alternatives including partially removing the dam or constructing a fish ladder around the dam. The identified preferred alternative was dam removal. Reclamation received 22 comments on the 1999 Draft EA.

In an October 1999 newsletter which provided an update on the Upper Colorado River fish passages, Reclamation announced it was waiting for FERC's decision on the Jacobson Hydro No. 1 Project amended license application before resuming planning for fish passage at the Price-Stubb Diversion Dam.

As a result of comments on the draft EA, Reclamation formulated a Downstream Rock Fish Passage Alternative, which attempted to more fully address issues and concerns while meeting the underlying purpose and need for the project. A supplemental Draft EA was prepared and distributed for public comment in July 2002. Six comments were received on the 2002 Draft EA from organizations and private individuals. The majority of the comments received supported the Downstream Rock Fish Passage concept. Recreational interests supported the Downstream Rock Fish Passage alternative and requested that Reclamation consider additional features to enhance boater recreation. The Colorado River Energy Distributors Association (CREDA) expressed concerns with allowing non-native fish upstream of the Price-Stubb Diversion Dam. Copies of comment letters are included in the appendices.

The Recovery Program's Biology Committee discussed CREDA's concerns and directed Reclamation to examine the feasibility of incorporating selective passage into the Downstream Rock Fish Passage Alternative. Reclamation examined incorporating selective passage into this alternative and determined that it was not feasible because of the limited area between the Interstate and the River. Because direct access from Interstate 70 was not an available option, selective passage would require considerable fill and riprap along the left riverbank to build an access road from the Palisade off-ramp to the Price-Stubb Diversion Dam and the cost was estimated at an additional \$1,500,000. In addition, the access road would be in conflict with future Interstate 70 widening. The Recovery Program determined that selective fish passage at Price-Stubb was not feasible and elected to install selective fish passage upstream at the Grand Valley Project Diversion Dam.

Additional meetings were held between Reclamation and the Colorado Department of Transportation to discuss the proposed action. CDOT expressed concerns with the Downstream Rock Fish Passage alternative. CDOT identified two main issues: 1) future Interstate widening, and 2) trespass and liability issues associated with recreational boating at the Price-Stubb Diversion Dam. Reclamation addressed future Interstate widening concerns by offsetting the fish passage an additional 33 feet from the Interstate. CDOT requested that Reclamation conduct additional NEPA analysis on impacts

associated with the proposed whitewater features. A copy of CDOT letter is also included in the appendices.

Reclamation also met on several occasions with CDOT, Town of Palisade, recreational interests, E.R. Jacobson, and Palisade and Mesa County Irrigation Districts to refine the Downstream Rock Fish Passage alternative. As a result, Reclamation developed the Downstream Rock Fish Passage with Whitewater Recreation Features Alternative analyzed in the final EA.

In addition, the following individuals and organizations were contacted directly to obtain information for preparation of the environmental assessment:

Mesa County Irrigation District
Palisade Irrigation District
Ute Water Conservancy District
Grand Valley Water Users Associate
Orchard Mesa Irrigation District
Union Pacific Railroad
Colorado Department of Transportation
Federal Highways Administration
U.S. Fish and Wildlife Service
U.S. Army Corp of Engineers
Bureau of Land Management
Colorado State Historic Preservation Officer
Clifton Water District
Federal Energy Regulatory Commission
E.R. Jacobson
Gary Lacy, Recreation Engineering and Planning
Pete Atkinson, Whitewater West
Pete Winn, Western Association to Enjoy Rivers
Bob Cron, Colorado Riverfront Commission
Mesa County
Town of Palisade

Public Comment of Revised Supplement Draft EA

Reclamation distributed the Revised Supplemental Draft EA for public review and comment in April 2004. A total of 32 written comments were received from agencies, organizations, and individuals. Provided below is a summary of comments received and Reclamation's responses. Where appropriate, changes were made and incorporated into the Final Environmental Assessment.

May 19, 2004 Email from Leslie James, Colorado River Energy Distributors Association

Comment: "State" should be "States" on your cover page.

Response: Corrected, thanks.

May 25, 2004 Email from J. Rick Morgan, D.O.

Comment Summary: Please approve public access, play park option as the best option for community enhancement and future growth.

Response: Under Reclamation’s preferred alternative, the Town of Palisade would obtain downstream public access to the whitewater features.

May 26, 2004 Email from Karen Hensley

Comment Summary: Supports having a fish ladder with whitewater recreation features, and a park on the Colorado River near Palisade.

Response: No response necessary.

May 28, 2004 Letter from Aida Parkinson

Comment Summary: “...pleased that the Bureau has considered whitewater recreation to be an important use of the project area, and has accounted for boater safety and recreational opportunities as well as endangered fishes...However, if I had to choose between whitewater recreation and protection of endangered fishes, the fish are more important to me. Had fish and other aquatic resources been given equal consideration with water supply, power generation, and large storage reservoirs over the past 100 years, the fish would not be endangered and there would be less demand to create artificial whitewater facilities such as whitewater parks...I encourage the Bureau to support the whitewater community in its pursuit of appropriate whitewater opportunities and facilities, and to work with CDOT to provide safe and legal access to Colorado River.”

Response: No response necessary.

May 31, 2004 Email from Rita Crumpton, Orchard Mesa Irrigation District

Comment 1: “We note in the Draft EA the discussion relative to scour and velocities in the river and the possible changes that may occur in four of the five alternatives. Although the Bureau of Reclamation is convinced that no scour or velocity changes will affect the siphon, we feel it necessary to be on the record as concerned that the four-foot cover over the siphon may be affected, to our detriment. If that cover is lessened, the siphon will float, causing untold problems and damages to our landowners/irrigators. We would ask for assurance that, were that to occur, the Recovery Program and/or the Bureau of Reclamation would assume responsibility for repairs and costs associated with those repairs, as well as damages to our landowners and their lands and/or crops.”

Response 1: Reclamation’s hydraulic analysis concluded that with exception of the dam removal alternative, the remaining alternatives would have no effect the Colorado River

siphon. The preferred alternative will fill in an existing scour hole below the Price-Stubb Dam and stabilize the privately owned dam, which reduces the likelihood of dam failure and provides additional protection to the Colorado River siphon.

Comment 2: “Although we do not have a point of diversion below the Price-Stubb Diversion Dam, we do have a “check back channel” located downstream from the Price-Stubb and across the river (river left) from the Grand Valley Irrigation Company’s diversion. We have some safety concerns if Alternative 4 is selected, relative to whitewater rafters coming into the check channel and being injured by being thrown up against our check gates. We understand that the rafters should be exiting the river before they reach our location; however, we also know that may not always occur. Our safety concerns should be noted if that is the alternative selected.

Response 2: Additional discussion was added to the Recreation and Public Safety sections to include the check channel.

June 1, 2004 Letter from Frank Bering

Comment Summary: Supports the Price Stubb Water Park. The Price-Stubb site offers water flows adequate to host national competitions, international events, and recreation for Colorado boaters year around. It can become one of the premier facilities in the U.S.

Response: No response necessary.

June 1, 2004 Email from Barbara Bernhardt

Comment Summary: Supports the alternative that includes the provisions of whitewater features along with an in-channel fish ladder at the Price-Stubb dam. “I also understand that CDOT is a bit leery of such a feature adjacent to the freeway, but it seems that miles of recreational whitewater along the I-70 corridor in Glenwood Canyon have existed for years without undue safety mishaps, so it seems that this short stretch of similar use would have no different effect.

Response: No response necessary.

June 1, 2004 Email from Time Boyle

Comment Summary: Supports the downstream rock fish passage alternative with whitewater recreational features at the Price-Stubb Diversion Dam.

Response: No response necessary.

June 2, 2004 Letter from William Taggart, McLaughlin Water Engineers

Comment 1: “We believe that the alternative “Downstream Rock Fish Passage with Whitewater Recreation Features” is the best alternative of those presented. It will benefit the environment, the fishery, the condition of the dam, enhance safety, provide for boating recreation, and by far is the highest socio-economic benefit.”

Response 1: No response necessary.

Comment 2: “Basically, a whitewater bypass stream is feasible, within the slope specified and the length allowed. We make this statement based on our experience with similar facilities and review of the site conditions. Key details, coordination with your proposal, boating flow range, and other important facilities and provisions need to be explored further, which may be undertaken in subsequent efforts.”

Response 2: A preliminary design for whitewater features was incorporated into the FEA.

Comment 3: “Because of the vertical drop through the reach and length of potential whitewater downstream to the I-70 bridges, this site has extraordinary potential for whitewater boating on a regional and national basis. The Colorado River has flow that would make boating possible when most other rivers have dried up. The site offers near year round whitewater, and socio-economic opportunity for the Grand Valley.”

Response 4: Water available for the whitewater features would be subject to water needs of the fish passage, the proposed Jacobson Hydro No. 1 Project, and Ute Water. There may be times when water is not available for whitewater recreation. As stated in EA, Mr. Jacobson has stated that he is willing to make water available during weekends and holidays for whitewater recreation if the hydropower facility is built.

Comment 5: “River dam remodeling and river restoration projects routinely provide for boating and river recreation. A “cost of doing business” for this fishery project should be to implement features for safe boating and river recreation.”

Response 5: This issue and the Recovery Program’s position are adequately discussed in the EA.

Comment 6: “The dam as it exists, and any alternatives that have a steep sloping face and/or conventional “hydraulic jumps” or “keepers” in boater vernacular, have extreme safety problems. We don’t believe the existing dam is likely to remain stable, given the scour hole that has developed and the degrading streambed below.”

Response 6: The Downstream Rock Fish Passage and Downstream Rock Fish Passage with Whitewater Features Alternatives include filling the scour hole below the dam and stabilizing the dam with riprap material.

Comment 7: “The fish passage as devised is a singular purpose component, which as indicated in the EA could be hazardous to boating. We have included joint fish and boating passage capability into most of our facilities with success. A combined facility would provide for lower fish passage velocities and increase habitat. This performance can readily demonstrated by existing facilities, hydraulic physical models and numerical 3-d modeling. As presently devised the whitewater and fish passage components compete for water, have conflicts which can be avoided or further minimized, and don’t achieve the best economics and benefits, in our opinion.”

Response 7: Without the fish passage project, whitewater recreation at the dam would be infeasible. Reclamation has attempted to provide opportunities for whitewater recreation and address existing safety issues associated with the privately owned diversion dam. The preferred alternative attempts to achieve the best economics and benefits while ensuring fish passage for endangered fish.

Comment 8: Since no detailed analytical and design work for the whitewater passage has been conducted, the plan of action should allow reasonable time and funding to pursue a better coordinated project. This statement should not be construed to imply that the project with whitewater features is not feasible, but there are important issues, including developing a better opinion of the project costs with whitewater facilities. Additional time would allow for funding efforts.”

Response 8: Reclamation has provided considerable time to coordinate and address issues related to fish passage at the Price-Stubb Diversion Dam as shown by the preparation of draft environmental assessments in 1999, 2002, and 2004. Construction of the fish passage will need to be completed in 2006 to maintain Recovery Program sufficient progress. Detailed analytical and design work for Reclamation’s portion of the Downstream Rock Fish Passage with Whitewater Features Alternative has been completed as described in the environmental assessment. W.A.T.E.R has contracted Recreation Engineering and Planning Consultants to work directly with Reclamation on additional design work for the whitewater features.

Comment 9: “Somewhat like CDOT, we have concerns about site access and safety. However we don’t think this concern should be used to eliminate boating. Boating is popular and active along most of our highways and can be reasonably managed. We believe safe access directly to the west (right) bank, portage, and emergency provisions must be included. Highway safety and provision for future transportation needs should be included, which we believe has been incorporated. The best action regarding right of way would be for the river and west bank to be owned by the local governmental sponsor.

Response 9: Addressed in the FEA.

Comment 10: “The Hydro Power key details should be explored, such that the fishery and people are provided for. The concept of using the old head gates and intakes hazardous to fish or boaters, is not valid in our view.”

Response 10: The Federal Energy Regulatory Commission (FERC) is the agency with jurisdiction over permitting private hydropower facilities. Issues concerning the proposed hydropower facility should be directed to Eric Jacobson and FERC.

June 3, 2004 Letter from Susan Grabler, Union Pacific Railroad

Comment 1: “As we understand it, this alternative would require public access on/across UPRR property. This is an unacceptable alternative for UPRR. Any public access across any track in the State of Colorado is under the authority of the Colorado Public Utility Commission (PUC). The PUC has sole authority to either grant or deny public access across railroads in CO. UPRR will not grant public access across any proposed or existing private road crossings.”

Response: Reclamation’s proposed action includes the Town of Palisade obtaining public access on or across Union Pacific Railroad property. The proposed access would not cross the railroad tracks, but would use an existing road parallel to the railroad tracks on property owned by Union Pacific Railroad and E.R. Jacobson. If public access is not obtained, Reclamation will construct the downstream rock fish passage alternative.

Comment 2: “In locations throughout the United States, railroads have had serious concerns and issues with public access to rivers, and lakes across active railroad tracks. We believe your preferred alternative will encourage trespassing on UPRR property and we find this unacceptable.”

Response 2: The Town of Palisade is currently working with the Union Pacific Railroad to address issues and concerns with using the existing road within the railroad right-of-way. The existing road parallels the railroad tracks and does not cross them. Controlling access to gates, fencing, and signage have been discussed to discourage trespass and address safety issues.

June 4, 2004 Letter from Jack Stephens

Comment Summary: “...I prefer the downstream rock fish passage with whitewater features, if that’s not possible my next choice would be the downstream rock fish passage. The only alternative I am opposed to is the “no action” choice. I think we should try our best to save the endangered fish...”

Response: No response necessary

June 5, 2004 Email from John Dalton

Comment 1: “I think the Whitewater Park is an excellent idea that will benefit everyone in the Grand Valley.....”

Response 1: No response necessary.

Comment 2: “The representative from CDOT discussed a need to spend about \$35,000 to \$40,000 on raising the barrier adjacent to the road so that drivers will not notice the whitewater activities. I am not sure that is something we should be worrying about. Every time I drive Glenwood Canyon I see rafts and kayaks from the road. There are lots of tight turns on that section of highway and there seems to be no problem with accidents. I personally believe a raised barrier for the Price-Stubb’s turn is not necessary.”

Response 2: Additional screening may be a CDOT requirement for approval to construct whitewater features to address safety issues associated with I-70.

Comment 3: “The present plan proposes two separate channels, one for fish and one for the Whitewater Park. I fail to see the logic in this... When I suggest a single passage ladder at the meeting I was told that it wouldn’t work because the water would be too fast and these are low speed fish... How do fish get past all the rapids during migrations? A whitewater park mimics a rapid with natural river features. These endangered fish have survived thousands of years going up and down rapids...”

Response 3: The Service has stated that they do not have significant concerns with boaters using the fish passage affecting endangered fish. Rather, site restrictions including of water uses (i.e. hydropower, Ute Pumping Plant), close proximity to railroad and Interstate 70 to the river channel, costs, and the swimming capabilities of the endangered fish are factors that make a single passage for fish and boaters infeasible. Colorado pikeminnow are strong swimmers and could possibly navigate a boat passage. Razorback sucker are weak swimmers and would have difficulty navigating the higher velocities associated with the boat passage.

June 6, 2004 Letter from Kayla Davidson

Comment Summary: “We are very in favor of a fish ladder with a boating passage or whitewater alternative. It seems highly practical to have a recreational benefit that will in no way harm the environment and yet could provide important economic benefits for the community.”

Response: No response necessary.

June 8, 2004 Letter from Don Lindmark

Comment Summary: “...a recreational, fish ladder, water storage and hydroelectric dam would be a win-win situation....I believe that all concerns brought up can be economically addressed....Recreation access can be from Island Acres to Corn Lake with a pedestrian path around the dam for kayak use...Plugs to maintain minimum storage can be added. Even screening can be put in place on the freeway to prevent distraction of motorists...”

Response: No response necessary.

June 8, 2004 Letter from William and Susan Cowles

Comment Summary: “enthusiastically support and endorse both the fish ladder construction with the whitewater recreation features....The project will enhance our valley’s attractiveness, encourage tourist spending, and provide a healthy exciting activity for our youth...In Glenwood Canyon-the RR, highway and local town have worked out agreements to coexist with whitewater activities-we too can and need to. A safe way to provide parking, access, trails, etc. certainly can be accomplished and we’re will to volunteer to help.”

Response: No comment necessary.

June 14 Email from Nathan Chapman

Comment Summary: “...would like to add my support of the idea to add a kayaker’s park at the same time...it would greatly enhance the river there, as well as bringing resources to the town of Palisade and nearby...Parks in Golden, Boulder, Steamboat Springs and Lyons are all great additions to an already picturesque lifestyle...I would suggest facilities should be provided, to maintain sanitary conditions.”

Response: Restroom facilities would not be included in Reclamation’s proposed action. The Town of Palisade would provide future facilities as funding became available. During large whitewater events, porta-potty facilities could be provided to address sanitary conditions until permanent facilities are constructed.

June 14, 2004 Email from Derek Day

Comment Summary: Supports the Whitewater Park. “This would help the economy of Palisade and I think remove some of the boating pressure on Westwater canyon.”

Response: No response necessary.

June 14, 2004 Email from Chris Menges

Comment Summary: “...would like to voice support of the Whitewater Park proposal for the Colorado River near Palisade. I also support the in-stream fish ladder. Whitewater parks greatly improve recreational opportunities and have proven to generate positive economic and social impacts on many other towns and counties in Colorado and in other States.”

Response: No response necessary.

June 15, 2004 Email from Ronald Hamblin

Comment Summary: “...would really like to see a kayak park along with the fish ladder. Now I have to drive to Glenwood Springs (4 hrs.), Green River, Wyoming (6 hrs.), or Reno, Nevada (10 hrs.) to play on a good wave. I’d spend a lot of time and gas money there.”

Response: No response necessary.

June 15, 2004 Email from Tim Walker

Comment Summary: “...fully support the combination of functions into one plan...”

Response: No response necessary.

June 15, 2004 Email from Susie Attaway

Comment: “...Downstream Rock Fish Passage with Whitewater Recreation Features. This new proposal would address safety issues regarding drowning hazard that are currently in place with the existing dam. It would enhance the fish passage that is necessary to protect endangered fish species; it would improve and beautify the current entrance into the Grand Valley east corridor near Palisade. In essence, an opportunity to do a number of positive things in one project is present and should go forth.”

Response: No response necessary.

June 15, 2004 Email from Don Bettina

Comment: “We have vacationed in Colorado extensively in the past and worked on the Arkansas in ’95. A feature like this would definitely be a plus to our return. It would be an excuse to stay some extra time with the additional whitewater recreation that it would provide.”

Response: No response necessary.

July 15, 2004 Letter from Pete Atkinson, Whitewater West

Comment 1: “I strongly support the Preferred Alternative which has been identified as “Downstream Rock Fish Passage with Whitewater Recreational Features”. I believe this alternative will address the needs and concerns of all parties with interests in the Price-Stubbs Dam. The opportunity to create whitewater features will be of great benefit to the local economy of neighboring communities for years to come.

Response 1: No response necessary.

Comment 2: “I believe the preferred alternative maximizes benefits for the taxpayer by creating a facility that achieves the goals of the fish recovery program and creates recreation opportunities. The preferred alternative also removes a significant hazard to

boaters and at the same time returns the river to a more natural state. The preferred alternative is admirable example of cooperation between federal agencies, local government, private businesses, and the general public.”

Response 2: No response necessary.

June 15, 2004 Email from Ed Hansen

Comment: “hope you decide to create the Whitewater Park beside the fish ladder...”

Response: No response necessary.

June 16, 2004 Email from Frank Bering

Comment: “Price-Stubb is a World Class site for a whitewater park. I am a senior citizen and would use it often. International and National events could be held there as well as training for junior teams, Olympic teams, and all classes of kayakers. We may even be surprised that fish might make there way up the Whitewater Course as well as the fish ladder.”

Response: No response necessary.

June 17, 2004 Comment Letter from Bob Cron

Comment 1: “I support the preferred alternative—Downstream Rock Fish Passage with Whitewater Recreation Features. This alternative best resolves the various issues facing this project.”

Response 1: No response necessary.

Comment 2: “I recommend adding the following two provisions to this alternative: Providing for the emergency installation of flash boards in each dam cut if low water flows, at some time in the future, prevent Ute Water from making emergency domestic water extractions at their facility just upstream. In design, provide for water rescue attachments for use by the Sheriff. These should be provided whether or not the Whitewater Park is constructed.”

Response 2: Provisions for stop-logs to address Ute Water’s concerns and water rescue attachments will be incorporated into the fish passage final designs.

Comment 3: “Page 5. River Boating. I recommend the last sentence read “This Draft EA evaluates potential impacts associated with whitewater recreational features designed to enhance river recreation opportunities”. The EA does not evaluate impacts from actions by CDOT.

Response 3: The sentence was changed in the Final EA. Thanks for the comment.

Comment 4: “Page 17. Last paragraph. I believe a 2.5% rock fill would address public recreation safety concerns. I have rafted actively for 10+ years on many rivers in the west and several in the east. Short stretches of 2.5% gradient are common on many rivers and are routinely negotiated by rafters and kayakers.”

Response 4: No response necessary.

Comment 5: “Page 24. Third paragraph. Second sentence. The latest population information I received from Mesa County in 2002 was 120,000.

Response 5: Population information was updated in the Final EA.

June 17, 2004 Letter from Larry W. Clever, Ute Water Conservancy District

Comment 1: Maintenance of the current minimum water level on the upstream side of the dam is critical to the operations of the Ute Water pump station. Ute Water cannot see any lowering of that water level.

Response 1: To address Ute Water’s concern, stop-log channels will be incorporated into the final design for the fish passage and boater notch.

Comment 2: Current plans call for the cutting of at least one notch and two notches with the whitewater portion of the project. If these will change the water level Ute must have the ability and the right to put stop logs in the notches whenever required.

Response 2: Addressed in Response 1.

Comment 3: Current plans run the whitewater users on the side of the river next to the pump station. Ute Water does not feel that this is a safe situation.

Response 3: Current plans would run whitewater users to river-right where the second notch would be. The conceptual plan shows a barrier across the fish passage entrance to keep boaters from entering the fish passage. A portage trail around the dam on river-left (CDOT property) would provide access for emergencies.

Comment 4: The location is not a spectator friendly area. There is very limited access and no spectator areas. This means that spectators and participants will seek to use the pump station, interstate and highway bridge as viewing areas.

Response 4: The Town of Palisade would obtain public access to the E.R. Jacobson property on river-right downstream of the Price-Stubbs Diversion Dam. The area is of adequate size to accommodate spectators if public access is granted to the Town by the Union Pacific Railroad.

Comment 5: Parking areas within the area are extremely limited. How will parking restrictions be enforced and by whom?

Response 5: There is adequate area for parking available on the E.R. Jacobson property for normal daily use of the whitewater features. It may be necessary to provide off-site parking for larger events and shuttling spectators to the Jacobson property dependent on the event turn out. Parking restrictions and trespass will be enforced by the Town of Palisade through an agreement with Mesa County.

Comment 6: Who will indemnify Ute Water in any lawsuits filed because of the whitewater activity?

Response 6: The local governmental sponsor (Town of Palisade) would assume liability for activities associated with the whitewater features. A local governmental sponsor was required to request Great Outdoors Colorado funding.

Comment 7: Who will pay any increased insurance costs because of the whitewater activity?

Response 7: Addressed in Response 6.

June 18, 2004 Letter from Tamara Smith, Colorado Department of Transportation

Comment 1: “CDOT has concerns that the Bureau of Reclamation RSDEA contains incorrect information regarding right-of-way (ROW) ownership and access issues and also does not adequately analyze the impacts associated with the preferred alternative-Downstream Rock Fish Passage with Whitewater Features. The ownership map located on page 42 of the document (Figure 13) contains incorrect land ownership information in the area downstream of the dam. This information should be corrected to show correct legal ownership and contiguous I-70 R.O.W.”

Response 1: Figure 13 shows recorded legal land ownership as documented in Mesa County. There are no recorded documents that show CDOT ownership in the area identified other than what is shown in Figure 13. Reclamation has requested legally recorded documentation from CDOT regarding this issue; however Reclamation has not been provided this information. The FEA was changed to state that CDOT exercises authority within the project area.

Comment 2: “It is indicated in several places in the RSDEA that access to the site would be from Highway 6 along and existing trail that lies within the railroad right-of-way and through CDOT property downstream from the dam. Presently, access is from the County Road along a gated trail that lies within the railroad right-of-way and through E.R. Jacobson’s property. Permission to grant construction or permanent access using this trail would need to be obtained from the Union Pacific Railroad and E.R. Jacobson, not CDOT. The RSDEA does not indicate if the UPRR has been contacted and if permission has or has not been granted for construction or public recreation access.”

Response 2: The access description was revised in the FEA. Reclamation is working with the Union Pacific Railroad to obtain temporary construction access. The Town of

Palisade has requested permanent public access through the Railroad right-of-way. One of the conditions of constructing the whitewater features is for the Town of Palisade to obtain public access prior to construction.

Comment 3. “The RSDEA also states “construction staging and material storage would be on adjacent vacant lands owned by E.R Jacobson and CDOT.” CDOT does not allow construction staging or stockpile of material on their property that located within 100 feet of any riparian area or within the 100-year floodplain.”

Response 3: Reclamation would comply with any such conditions imposed by CDOT included in the temporary construction access permit and permission to build the fish passage structure.

Comment 4: “CDOT feels the RSDEA does not adequately define the whitewater recreation features portion of the preferred alternative, Downstream Rock Fish Passage with Whitewater Recreation Features. The RSDEA indicates that the recreation features would include constructing a second notch in the Price-Stubb Diversion Dam for rafts and kayaks, and strategically placed boulders to create desired whitewater conditions on a 550 foot-long downstream rock ramp. The EA does not indicated the size of second notch in the dam or the size, amount and location of boulders and thus cannot adequately analyze the impacts of this alternative to I-70 or CDOT’s downstream structures. Evaluation of impacts of the preferred alternative must include an evaluation of all connected actions associated with the addition of whitewater features including boat put in and take out. The RSDEA does not analyze the impacts of construction of these required features.

Response 4: Reclamation has had additional discussion with CDOT regarding the Downstream Rock Fish Passage with Whitewater Recreation Features. Additional information, discussion and commitments were incorporated into the FEA to address CDOT concerns.

Comment 5: “The Public Safety issues have not been adequately addressed in the Supplemental draft EA. As it stands now, public access to the dam area on the river right is not provided and the existing trail is closed except for railroad and private utility use. The area around the dam consists of several high retaining walls, which pose a significant safety risk to the public. The area above the dam needed to gain access to the river is limited due to large structures and any access to the river above the dam would also have to go through railroad right-of-way. Encouraging and allowing public access to these areas poses significant public safety risks. No mitigation measures have been considered or provided to lessen the risk. The RSDEA does not discuss the public safety issue of additional public foot access in the area around the dam. In addition, the RSDEA did not address emergency service response or rescue features to be included as part of the preferred alternative.”

Response 5: Under Reclamation’s preferred alternative, the Town of Palisade would obtain public access to the whitewater features. Additional discussion was added to the FEA to address CDOT’s concerns.

Comment 6: “The issues pertaining to the maintenance and liability associated with the recreational features have not been adequately addressed in the RSDEA. On Page 19, the RSDEA states that “recreational interests and possibly the Town of Palisade would provide maintenance, as needed, for the whitewater features including but not limited to removing trash and debris, and adjusting and/or resetting boulders after large flow events”. CDOT can only enter into intergovernmental agreements with other governmental agencies and in this case the other governmental agency must assume maintenance and liability responsibility.”

Response 6: A local governmental agency sponsor (Town of Palisade) would be required for Reclamation to construct the Downstream Rock Fish Passage with Whitewater Recreation Features Alternative. As stated in the EA, without a local governmental sponsor, Reclamation would construct the Downstream Rock Fish Passage Alternative.

Comment 7: CDOT, in consultation with FHWA, believe that the RSDEA would be adequate for approval of a fish passage within I-70 R.O.W. with no whitewater features. The inclusion of whitewater features will require additional evaluation of impacts and mitigation for the issues described in our previous correspondence. CDOT supports removal of the dam hazard to boating with the inclusion of a 4:1 grouted riprap slope shown in the fish passage only alternative.

Response 7: The 4:1 grouted riprap slope included in the Downstream Rock Fish Passage Alternative does not remove the dam hazard to boating. Boats and kayaks would not be able to safely negotiate this steep slope. A defined portage around the dam would need to be established to allow boaters to legally use this stretch of the Colorado River. Additional discussions with CDOT resulted in the addition of an emergency portage around the dam on river-left.

June 18, 2004 Letter from Mark Gardner and Paul Jones, Riverfront Commission

Comment: We would like to express the support of the Colorado Riverfront Commission for the endangered fish passage at the Price-Stubb dam. In particular, the Commission endorses the Preferred Alternative described in the recent revised Environmental Assessment on the fish passage, the Downstream Rock Fish Passage with Whitewater Recreational Features Alternative...The Preferred Alternative is in concert with key elements of our founding mission in that it not only will increase the range of several endangered fish species , but will at the same time provide an important addition to the river’s recreational potential...We have collaborated with the partnership that is attempting to raise funds for construction of the water park at the fish passage and will continue in the effort to make the water park a reality...”

Response: No comment necessary.

June 18, 2004 Email from Pete Winn, Western Association to Enjoy Rivers

Comment 1: “We agree that the preferred alternative, in-channel fish passage with whitewater features, is the best alternative for these reasons in addition to those listed in the EA: 1) If the US Bureau of Reclamation is authorized to spend about \$4 million in taxpayer money on endangered fish, it really makes sense to let recreation users raise and additional 12% from private and lottery sources for their own benefit, 2) Over the past twenty or thirty years, the Grand Valley has produced some pretty talented boaters....3) Other cities have benefited economically from whitewater parks, and Palisade will also benefit...4) If the whitewater park is not built, the alternative will be a riprap ramp that could be hazardous, especially at high water. Some boaters will try to run it anyway, and for safety it’s much better to funnel the water into a channel with man made whitewater features that are designed to be safe at all river levels for a variety of skill levels, 5) The Bureau makes the distinction between a whitewater park, which requires land access on river right, and the downstream rock passage with whitewater recreational features, which only includes features in the river itself, and requires land access at Island Acres State Park about three miles upstream. They hint that a whitewater park is a good idea because if the Colorado Department of Transportation does not allow land access at the site, boater will be tempted to park along the freeway on river left to access the fish ladder, which is far more dangerous than allowing land access on river right. We strongly support land access on river right approach and believe it should be included in the construction plans.”

Response 1: As stated in the draft EA, Reclamation will request only temporary construction access to build the fish passage facility from the Union Pacific Railroad, CDOT and Eric Jacobson. The Town of Palisade would request public access along river right.

Comment 2: “If a whitewater park notch was cut in addition to the fish passage notch, the level of water in the pool one-half mile above the dam at low flows might be too low for the Ute Water emergency pump to operate properly. The Bureau’s studies indicate a drop of 2 to 3 inches at the dam would not significantly affect the water level at the Ute pump, and it offered to provide its documentation to Ute Water engineers for review”.

Response 2: Channels in the fish passage notch for stop-logs will be incorporated into final designs to address Ute Water’s concerns. If the whitewater features are also included, a second notch for boaters would require a gate or removable flashboards to ensure that the proposed Jacobson Hydro No. 1 hydropower plant would not be affected.

Comment 3: It will be necessary to obtain recreational easements from the five property owners to gain access on river right: the railroad, CDOT, Jacobson Hydro-West, and Palisade and Mesa County irrigation companies. Preliminary discussions indicate this is feasible.

Response 3: No comment.

Comment 4: It is inevitable that more people mean more trash, and a couple of Palisade residents are concerned about who will pay for trash clean-up. Also, parking and toilet facilities are related concerns. Having proper land access should mitigate these concerns. Increased tax revenues to the town of Palisade will more than compensate the Town for providing services at the Whitewater Park as part of their existing park program.

Response 4: Existing public river access points including Colorado River State Park-Island Acres, Palisade River Park, and Colorado River State Park-Corn Lake have adequate parking and facilities to accommodate the additional river use as proposed under the Downstream Rock Fish Passage Alternative with Whitewater Features. The concept of having national and international competitions at the site will not be feasible without public access and facilities below the Price-Stubb Diversion Dam. The Town of Palisade would need to address these issues prior to scheduling large scale events.

Comment 5: The recreation community does not yet have the \$400,000 estimated by the Bureau of engineering and construction. We intend to obtain it from a GOCO grant, which is not a certainty. However, other towns have been successful in using GOCO funds, and this project certainly qualifies, so we are optimistic that we will succeed.

Response 5: No response necessary.

June 21, 2004 Letter from Lee Bartlett, Region 10 League for Economic Assistance and Planning, Inc.

Comment Summary: "...recommend that the BOR select its preferred alternative-“Downstream Fish Passage with Whitewater Recreation Features” as the final alternative. The ability to turn the current structure into a wildlife/recreation friendly facility makes both economic and environmental sense. The whitewater facility will attract many recreational users from the Telluride, Ouray, Ridgway, Montrose, Delta, Grand Junction and Moab areas. Whitewater parks have proven time after time to be a valuable community asset.”

Response: No comment necessary.

June 22, 2004 Letter from Gregg Larsen, Union Pacific Railroad

Comment: “I am in receipt of your May 17, 2004 cover letter and Revised Supplemental Draft Environmental Assessment for the Price-Stubb Fish Passage. I would like to state for the record that the Union Pacific Railroad Company has legitimate safety concerns with the Plan proposed by the Bureau of Reclamation and will do everything in its power to fight its implementation. It is my understanding that as part of this Plan, the Bureau of Reclamation would also like to allow the use of the Railroad’s right-of-way as a point of access to a proposed whitewater park at the dam site. For safety reasons, the Railroad will not allow this type of use on its right-of-way. The proposed use by the Bureau

would bring a large number of vehicles and pedestrians in close proximity of the Railroad’s main line track. Therefore, the Railroad must decline any request for public access along its right-of-way.”

Response: Union Pacific Railroad concerns were discussed during a telephone conversation with Gregg Larsen on June 30, 2004. It is Reclamation’s understanding that Union Pacific Railroad is supportive of fish passage efforts and may be willing to grant temporary construction access to Reclamation and permanent public access to the Town of Palisade if liability and safety issues are address and the Railroads maintenance access is not impaired. The Town of Palisade has submitted a request to the Union Pacific Railroad for public access along the existing access road. Public access would be needed to build the whitewater features. Otherwise Reclamation would construct the Downstream Fish Passage Alternative.

Consultation with other Agencies

Reclamation staff continues to informally coordinate and consult with the Service to comply with the Fish and Wildlife Coordination Act and the Endangered Species Act; the Army Corps of Engineers and the Colorado Water Quality Control Division to comply with requirements of the Clean Water Act; and the Colorado State Historic Preservation Officer and Federal Advisory Committee to comply with the National Historic Preservation Act. Agency review results were incorporated into the Final EA.

Distribution List

Appendix A contains the mailing list for the Final EA. The list includes all individuals, agencies, and organizations to which Reclamation sent scoping documents and previous draft EAs. In addition, others who have specifically requested a copy of the Draft EA are included on the list.