

**Aspinall Operations EIS  
Cooperating Agency Meeting  
December 6, 2004**

**FINAL MEETING SUMMARY**

The second Cooperating Agency Meeting for the Aspinall Operations Environmental Impact Statement was held on December 6, 2004 at the U.S. Bureau of Reclamation Western Colorado Area Office at 2764 Compass Drive, Suite 106, in Grand Junction, Colorado. All cooperating agencies were present for the meeting, either in person or participated via conference call. Cooperating agencies include the State of Colorado (Colorado), Colorado River Water Conservation District (CRWCD), National Park Service (NPS), Platte River Power Authority (PRPA), Southwestern Water Conservation District (SWCD), U.S. Fish and Wildlife Service (FWS), and Western Area Power Administration (WAPA). A total of 29 people participated in the meeting including Reclamation staff from Grand Junction, Montrose, and Salt Lake City. A copy of the meeting attendees is attached.

The meeting began at 9:10 a.m. Leslie James and Kent Holsinger (PRPA), Steve Harris (SWCD), Clayton Palmer and Heather Patno (WAPA), Nancy Coulam, Paul Davidson and Jane Blair (Reclamation), and Norm Henderson and Melissa Trammell (NPS) joined in on conference call.

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**Introduction and Welcome**

Ed Warner (WCAO Resources Division Manager) facilitated the meeting and started with introductions of cooperating agencies and the others in attendance. Reclamation reviewed the agenda with the cooperating agencies and no changes were proposed.

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**Discussion of Meeting Summaries**

Reclamation discussed two goals for meeting summaries: 1) reflect thoughts accurately and 2) not allow the summaries to become a major project. Reclamation stated the purpose of the summaries is to capture intent of the discussion. Meeting summaries will be posted on Reclamation's website. Reclamation asked the cooperating agencies how comments on the meeting summaries should be handled. PRPA suggested that the cooperating agencies have a one time opportunity to review and suggest changes, and then adopt the meeting summaries at the next meeting. PRPA stated that the prepared meeting summary was extensive. Colorado stated that it was okay with having a few minutes at the start of each cooperating agency meeting to discuss the previous meeting summary. The cooperating agencies agreed and Reclamation stated that it will send out draft meeting summaries within a week of meeting and would like to have comments on the draft summary within two weeks. Draft meeting summaries will be posted to

Reclamation's website and replaced with final meeting summaries once they are approved at the following meeting.

### **Review and Discussion of November 1, 2004 Meeting Summary**

Discussion on the draft November 1, 2004 cooperating agencies meeting summary included the following:

PRPA requested a change to read "Reclamation proposes to look at alternatives that range from no action to recovery including those actions that will avoid jeopardy" in Summary of Notice of Intent and Purpose and Need Section of the Meeting Summary.

PRPA asked for clarification regarding the Planning Aid Memorandum and Fish and Wildlife Coordination Act Report in the Schedule Section of the Meeting Summary.

Reclamation stated that they will add page numbers to the Meeting Summary.

FWS requested correction to the date of critical habitat designation in the Cooperator Discussion on Notice of Intent Section of the Meeting Summary. Critical habitat was designated in 1994 not 1992.

Mike Gross stated that he sent an email to Reclamation regarding his comments in the Public Questions and Comments Section of the Meeting Summary. He wanted to make sure that Reclamation understood that Aspinall Unit decrees concerning downstream senior water rights are a hard constraint common to all alternatives and requested that we use the language sent in his email.

Colorado stated that the language stated in Cooperator Discussion on Notice of Intent Section of the Meeting Summary regarding the authorized purposes of the Aspinall Unit is correct but could be clarified. Colorado does not want it interpreted that the State is against recreation and fish and wildlife. Colorado will be drafting a letter explaining their position on Aspinall Unit authorized purposes.

Steve Glazer requested a change in the Public Questions and Comments Section from "Reclamation and FWS have the best understanding of ESA" to "Reclamation and FWS have the best understanding of their ESA obligations". He stated that the Meeting Summary stated that he had asked for a discussion of the interim Redlands contract at this meeting and did not see it on the agenda. Reclamation stated that this issue will be discussed at the next Aspinall Operations Meeting scheduled for January 20, 2005.

Bart Miller asked when the Meeting Summaries will be posted on the web. Reclamation stated that it will vary depending on when they are prepared. CRWCD liked the idea of a period of comment for the Meeting Summaries and recommended that the Meeting Summaries be posted to the website in draft form, and ratified by the Cooperating Agencies at the next meeting. CRWCD stated that they should be called Meeting Summaries and not Meeting Minutes.

FWS requested that George Smith be added to the hydrology subcommittee in the Cooperators Discussion on Hydrology Model Section of the Meeting Summary.

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*Action Items: Reclamation will prepare draft Meeting Summaries and distribute to cooperating agencies for review and comment and post on Reclamation's website. The Meeting Summaries will be discussed and approved at the next cooperating agency meeting. Once approved, they will be posted to Reclamation's website as Final Meeting Summaries. Reclamation will discuss the interim Redlands contract at the January 20, 2004 Aspinall Operations Meeting.*

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### **Draft MOA for Cooperating Agencies**

Reclamation drafted a one size fits all draft Memorandum of Agreement (MOA) for cooperating agencies. The draft MOA outlines basic responsibilities. The draft was e-mailed to cooperating agencies and Reclamation has received comments from WAPA.

CRWCD stated that three cooperating agencies (CRWCD, SWCD, and PRPA) have the role of communicating with constituents which they represent. CRWCD asked how the requirement of cooperating agencies not to release pre-decisional documents would constrain their coordination with their constituents. Reclamation agreed that the cooperating agencies can't represent their constituents if they can't talk to them. CRWCD stated that there is a need for rules on predecisional documents such as "okay to discuss, but not for copying or distribution".

PRPA asked if it is the intent that every cooperator to sign the MOA. Reclamation stated that it would not force cooperating agencies to sign the MOA. CRWCD stated that Reclamation should issue ground rules on how to address specific documents.

Steve McCall asked if there was any experience with this issue during the Flaming Gorge or Navajo EIS processes. Nancy Coulam stated that this was not an issue for the Flaming Gorge EIS and recommend running this issue through the Solicitor's Office for clarification. SWCD stated that it was not an issue for the Navajo EIS. SWCD recommended leaving it up to Reclamation on what documents can be distributed. Reclamation stated that they would work on the issue and provide more information at the next cooperating agency meeting. PRPA requested that cooperators should have input on what is made public.

NPS expressed concern with the process being open to the public while discussing pre-decisional documents is adequate. Reclamation stated that the group would need to establish ground rules on a case by case basis and there may be a need to have executive discussions or working meetings. NPS stated that the administrative Draft EIS should not be open for public review.

Colorado asked about the functionality of the MOA if everyone is not required to sign it. Reclamation stated that the functionality is to make cooperating agencies comfortable in their role in the process, to cover what cooperating agencies want to cover. Colorado stated that many of the items covered in the MOA are regulations covered elsewhere. Besides including some language regarding the Biological Opinion, it doesn't seem necessary.

NPS stated that it doesn't think an MOA is critical or necessary. NPS asked who has concerns and who wants it. Reclamation stated that WAPA had previously requested to be a co-lead with Reclamation on the ESA Section 7 consultation. CRWCD stated that CRWCD District Board Members had requested an MOA. CRWCD stated that they just want the ground rules to be clear and define what is expected from cooperators.

Reclamation stated that it prefers not to have an MOA and not spend a lot of time on it. NPS suggested that Meeting Summaries would be a better way to accomplish this. NPS stated that the MOA is too broad and doesn't do anything.

FWS agreed and stated that documentation in the administrative record works for FWS. FWS stated that it doesn't like the language concerning jeopardy verses recovery contained in the introduction to the MOA. FWS prefers language similar to Flaming Gorge. Reclamation stated that language probably won't change. PRPA was opposed to changing the language to be consistent with Flaming Gorge, because Flaming Gorge isn't final. Nancy Coulam stated that Flaming Gorge had a different consultation history.

FWS requested that in Responsibilities-Staff Support Section of MOA that "if staff or funding is available be added. NPS stated that 8B of the MOA might meet FWS needs. CRWCB stated the process is cleaner if everyone does either A or B. All cooperators should sign the MOA or all not sign it.

Reclamation suggested an alternative to the MOA: sending a letter to Cooperating Agencies stating by being a Cooperating Agency, this is what it means.

WAPA stated it expects to contribute using its expertise on power analysis and wants some type of written documentation of WAPA contributions to the EIS.

CRWCD stated that the letters could be tailored to each Cooperating Agency. Reclamation stated that it can be contained in one letter spelling out each Cooperating Agency contribution. The Cooperating Agencies liked this suggestion. WAPA stated that either way was okay.

NPS asked if Reclamation was obligated to use only information provided by the assigned Cooperating Agency. Reclamation stated that it would use information from other agencies even if not assigned. WAPA stated that it is Reclamation's responsibility to insure adequacy of the EIS and needs to ensure its getting adequate information. Nancy Coulam stated that new Council of Environmental Quality information of Quality

Guidelines resolves this issue and Reclamation has the final call on which information to use. If information isn't used, Reclamation is required to disclose why.

NPS asked if there was any consideration for EIS co-leads. Reclamation stated no. Reclamation stated that they are hearing two different things from cooperators; WAPA wants something very specific, however a letter could go out quickly with general guidance. Reclamation stated that it's not ready for specific schedule/assignments such as WAPA wants and suggested separate agreements for studies.

WAPA agreed and stated that agreements between Reclamation and Cooperating Agencies at some time may need to be specific. Reclamation stated that there is still issue of document management. NPS suggested addressing this issue in the Meeting Summaries.

WAPA stated that WAPA and Reclamation have discussed participation in the ESA consultations. WAPA stated that it thought in a May 10, 2004 meeting between Reclamation and WAPA that WAPA would participate in consultation meetings. Reclamation discussed the history of WAPA's request for joint-lead in ESA consultation. Reclamation declined WAPA's request. WAPA agreed not to seek joint consultation status through the FWS, but wants agreement on participation in the consultation process. WAPA stated that they sent to Reclamation five general principles describing their desired ESA consultation process.

Reclamation asked for other Cooperating Agency thoughts on Section 7 consultation. PRPA stated that it thinks it's appropriate given WAPA's unique role. NPS stated that participation should be available to all cooperating agencies or none. PRPA strongly disagreed.

Reclamation stated that it would like to extend to all the cooperating agencies the opportunity to participate during the consultation process. WAPA stated that there isn't clear agreement. Reclamation asked if cooperating agencies feel they need to be at the table regarding consultation. SWCD stated that they would not want to make it a requirement for SWCD to participate. NPS stated it doesn't have a problem with Reclamation negotiating by themselves. NPS has a problem with it only open to one cooperator. PRPA disagreed and stated WAPA and Reclamation both have "hands-on" operations. NPS stated its concern for one cooperating agency's potential for influencing the process if only one is allowed to participate.

CRWCD stated that it's a different standard between Federal and non-Federal cooperating agencies. CRWCD never saw a role other than helping prepare the EIS. CRWCD did not anticipate cooperators sitting down at the table with the Fish and Wildlife Service to negotiate a biological opinion.

Reclamation stated that the Cooperating Agencies and Reclamation will work to develop alternatives, select a preferred alternative, and then consult on a preferred plan, and it may not be as big of a problem as we're making it out to be.

Colorado stated that DOW would be the agency to be involved if consultation is extended to cooperating agencies. FWS stated that the consultation is between Reclamation and Service and that it is up to Reclamation to determine how to open or how open the process should be. FWS intends the consultation to be an open process. Reclamation stated that it will continue to work with WAPA on this issue. WAPA recommended taking this issue up on the side as a separate topic and providing an update to the cooperating agencies at a later time. Reclamation stated that WAPA concern may be premature. Cooperating Agencies will bring information forward to Reclamation in the preferred alternative and the BA. If the document is good enough, we won't need to negotiate. Reclamation wants cooperating agencies on board before it consults with FWS.

NPS asked if the draft biological opinion will be distributed to cooperating agencies for review. Reclamation responded that it would distribute a draft biological assessment for all cooperating agencies to review and comment. CRWCD asked if the biological assessment is not a public document like an EIS. FWS and Reclamation responded that it is not a public document. Reclamation stated that it would be ideal to have a final biological assessment in the draft EIS.

Colorado stated that it would be helpful to identify roles through letter or meeting summaries.

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*Action Items: As an alternative to the MOA, Reclamation will draft a letter outlining responsibilities of agencies and sent it out for review. Reclamation and WAPA will continue to discuss the Section 7 Consultation Process and report back to the Cooperating Agencies. Reclamation will work on the issue of document management and provide a report at the next Cooperating Agency Meeting.*

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### **Discussion of draft Baseline, Existing Conditions, and No Action**

Steve McCall reviewed a draft document on baseline for ESA Section 7 consultation. Reclamation emphasized that it is a draft document. For Section 7 consultation, hydrology is very important. Reclamation took ideas from last meeting to formulate the draft document. Reclamation stated that it would be helpful if the baseline matches existing conditions, however this is not a requirement.

NPS asked how you compare effects of existing conditions to baseline if they are the same. WAPA stated existing condition is the status of the resource and baseline is the status of fish under actions that have been consulted on. NPS stated that conceptually Baseline and Existing Conditions can not be the same.

WAPA stated that some of the actions that Reclamation takes, i.e. trout releases, have not been consulted on and should not be in the baseline. NPS stated that working through some examples would be helpful.

Reclamation reviewed the first section of the document with discussion from cooperators. PRPA asked if for spring flood control operations, the Army Corps of Engineers has a revised flood control manual. PRPA stated that Reclamation needs to consider the City of Delta's flood concerns.

Reclamation stated that the flood control manual has not been changed but a number of 14,500 cfs has been used. The current flood control manual number is 15,000 cfs; however Reclamation begins to make adjustments when flows start to reach 11,000 cfs.

WAPA asked if the Service has a list of projects that it has consulted on. FWS stated that they have a list of projects that have been consulted on in the Gunnison Basin and the FWS provided the Cooperating Agencies with a list of consultations.

CRWD stated that there is a need to go down the baseline list with an understanding of existing conditions. CRWCD recommended setting aside the biological assessment for now. CRWCD asked if the statement "Aspinall Unit in place regulating the river" includes existing reservoir elevation targets and inflow forecasts. Reclamation responded that these are included and the rules don't change. Reclamation recommended talking rules in general today; the hydrology subcommittee will discuss them in detail. CRWCD stated that there may be existing conditions that may be legal/contract constraints. CRWCD stated that we need to identify these differences for modeling. CRWCD stated the point is there is a legal condition of 60K acre-feet subordination and that 8K is actually being used. Reclamation added that Dolores has 130K acre-feet consulted on and the State does not agree with that number. SWCD stated that the 29.2K fishery release for Dolores is included and the 130K was too high because the fishery release is not depletion.

Reclamation stated that its goal is to have endangered fish releases take care of Dallas Creek and Dolores biological opinions. Our goal is we're meeting commitments. CRWCD asked isn't there an existing agreement to reconsult when the razorback was listed and critical habitat designated. WAPA stated that Reclamation developed a reconsultation schedule. Reclamation is unclear whether this included Dallas Creek and Dolores projects.

PRPA stated that the 15-mile Reach consultation included certain triggers reinitiating of consultation (population response, additional designated critical habitat, etc.). The FWS stated that these triggers are common to all consultations. CRWCD stated that there is uncertainty about whether the Dallas Creek and Dolores biological opinions were included in the Recovery Program's Section 7 Agreement, but reviewing the minutes of the Recovery Program should be helpful.

NPS suggested that only 8K acre-feet of the 60K Subordination Agreement be in the baseline and the 60K as the No Action. CRWCD stated that 60k is a limit on the water right, not a promise that it will occur. Water rights can not call to that 60K. Development in the Upper Gunnison Basin drives the depletion of the 60K.

CRWCD asked specifically about the Taylor Park exchange and the refill right and asked Reclamation to describe the function and the regulation of Uncompahgre water in Blue Mesa. CRWCD suggested providing water to the Redlands fish ladder whenever the ladder is in operation and stated the role of the Aspinall Unit in removing senior calls when water available should be addressed in the baseline.

Reclamation stated that the interim Redlands contract expires in 2005 and rules need to be written to address the fish ladder. CRWCD recommended capturing the purpose of the interim agreement; meeting Recovery Program commitments and ensuring operation of the fish ladder does not impact upstream users. CRWCD stated that the EIS doesn't have to resolve the legal issues, but describe the impact. CRWCD then asked what the next step is to translate this into operating rules. Reclamation stated that it seems logical to add the 100 cfs for the fish ladder and 50 cfs for the fish screen. WAPA stated that the 300 cfs is taken out because of its junior status and would be met by the Federal Black Canyon 300 cfs instream water right.

Reclamation stated that all it can protect the water going to the fish ladder, 100 cfs. CRWCD recommended developing a trigger for when the fish ladder is operating and defining a range of operations for the ladder. This should include a range of operations that are sufficient to provide operational and migration flows for endangered fish whenever the ladder and screen are operating. There is no reason to operate these facilities if there is not sufficient migration flows available below these facilities.

WAPA asked about the legal definition between baseline and the definition of existing conditions. FWS responded that the baseline includes existing conditions and future projects that have been consulted on under Section 7. CRWCD and Reclamation stated that "consulted on" is a qualifier to the future federal actions. WAPA disagreed. Reclamation then described its experience during the Navajo Operations EIS consultation. CRWCD recommended focusing on existing conditions and setting aside discussions on baseline. WAPA stated that we may get somewhere if we stick with a model run that goes with current operations.

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Reclamation provided a copy of the Aspinall Operations Matrix to the Cooperating Agencies and the meeting broke for lunch at 11:56 a.m. and resumed at 1:02 p.m.

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After lunch, FWS distributed a list of depletions in the Gunnison Basin.

NPS suggested picking a target year and describing the conditions. Reclamation stated the need to recognize that physical conditions change. Crystal powerplant has a new

capacity and may be able to operate up to 2,300 cfs because of better efficiency. CRWCD suggested making it clear which one we are talking about, EIS or biological assessment.

NPS suggested describing the Aspinall Unit as operated at a specific time, draw a circle around it and say that is the current condition. After that, describe how no action, existing conditions, etc. are different. We need to get everyone to agree on what current conditions are, and then decide what is “existing conditions”, etc. WAPA stated that baseline is a regulatory condition and that Reclamation should just sit down with the Service to define.

Cooperators discussed using 2004 water year to describe current conditions. Reclamation then began reviewing the Aspinall Operating rules as described in the Aspinall Operations Matrix including:

- 1) Flood control, modeling used 14,000 cfs, and actual day to day knowledge
- 2) Winter icing target part of our operations,
- 3) Ramping rates, maximums in the model,
- 4) Landslide and reservoir fluctuations are really more of a constraint for WAPA,
- 5) Dallas Creek exchange, historic occurrence and reflected in historic data,
- 6) 300 cfs below Redlands, target 1050 cfs at Whitewater, some water switched from October to June,
- 7) State instream 300 in for Black Canyon,
- 8) March target draws down to minimize spill and power bypass,
- 9) Trout operations after October 15,
- 10) April flows for rainbow trout spawn, and
- 11) No recognition of Dallas Creek and Dolores within operations.

CRWCD asked if ramping make a difference in RiverWare. Reclamation stated that it does for power, fish and safety. Reclamation stated that it doesn't model peaking power releases at Blue Mesa and Morrow Point.

WAPA stated that ramping rates are present practices and WAPA thinks Reclamation has some discretion in these. WAPA recommended that operations that Reclamation and WAPA do from time to time should be included as current operations. Discretionary operations should be included as a range of normal operations.

Colorado stated that it has real concern because Colorado has had a lot of input into the matrix. If under certain conditions ramping rates can exceeded, Reclamation needs to describe those conditions.

CRWCD suggested making a backcast on how things were done from time to time in the past. PRPA stated that they view power contracts as part of the existing operations. Reclamation stated the rules under normal operation require putting as much water as we can through the powerplant. PRPA's concerns are addressed in the 24 month study which tries not to bypass water; it tries to put all flows through the powerplants. Current operations try to avoid bypass flows.

CRWCD stated that over the past 20 years or so for the power customers, the way the Units operated has changed. There has been a movement of water from winter months to late summer months. PRPA stated that since 1996, Aspinall has become more important for peaking power. WAPA stated that day to day operations are not an issue. Moving December/January and July/August water to May for releases for fish may impact existing power contracts.

CRWCD suggested looking a comparison of present power conditions and 1975 will show a large change in water availability in winter operations. This would affect the AB Lateral project which benefits from winter flows. WAPA stated that they have seen water reduced in the winter months with water moved to May, not July and August. Reclamation stated "over forecasting" may cause a shortage in July and August if projected excess water is moved into May. This may affect power at Morrow Point and Blue Mesa.

Reclamation has tried to bundle excess water since 1991. PRPA asked if this was at the request of the Recovery Program. Reclamation responded that it decided that it was the best thing for the river and to meet authorized purposes. CRWCD asked how Reclamation will model this. WAPA also stated that they wonder what Reclamation is going to do with bundling because it doesn't seem to be something that is done routinely. PRPA discussed describing it under current operations and then deciding if it's in baseline or existing conditions. Reclamation stated that the ability to bundle is there, it's what Reclamation would have done if the water was available. WAPA stated that Reclamation has discretion for bundling. Reclamation stated the need to understand that Reclamation has rules/discretion to bundle but that it depends on a lot of conditions.

Reclamation asked about the Black Canyon 2003 settlement agreement. NPS asked if it changes anything in Reclamation's model. Reclamation responded that it doesn't think it will affect the model; however it may change the accounting in the winter months. The Cooperating Agencies agreed that the 300 cfs Black Canyon water right should be included as a current condition.

WAPA suggest having two rule sets run through the model to define the area of Reclamation's discretion and a range of operations. Reclamation expressed the need to

describe maximum impacts to any resource and that not bundling water impacts fish and bundling water impacts power.

CRWCD stated that it is important for FWS to identify critical times for ladder operations, and at some point, need to lay out for the modelers the rules put in place for modeling.

NPS recommended writing specific rules, i.e. ramping 250 cfs to 400 cfs and identifying discretion. Colorado asked Reclamation what do the Dallas Creek and Dolores biological opinions mean to 2004 operations. CRWCD asked if there was any record keeping or releases for Dallas Creek and Dolores biological opinion water. Reclamation responded no, except releases for the fish ladder.

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*Action Item: Reclamation and the Cooperating Agencies will work to describe current operations using 2004 operations.*

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### **Next Cooperating Agency Meeting Date**

After discussion, the next Cooperating Agency meeting will be held at 9:30 a.m. on January 19, 2005 in Grand Junction at Reclamation's Office.

WAPA inquired about adding a presentation on alternatives at the next Cooperating Agency meeting. Reclamation stated that we're not ready for that, suggested moving the presentation to the February meeting.

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*Action Item: Update on Hydrology Modeling, Action Alternatives, Existing Data/New Studies, and Public involvement update agenda items were not discussed at the cooperating agency meeting and will be added to the January 19, 2005 meeting agenda.*

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### **Public Questions and Comments**

The meeting was opened to public comment and questions and discussion were as follows:

Steve Glazer, representing High County Citizens Alliance and Sierra Club, stated that most of the questions he had were discussed during the meeting. Steve said the Meeting Summary stated that Reclamation would discuss with the Justice Department Aspinall's authorized purposes. He recommended that the sooner there is clarification, the better. Steve also stated that he would like to see Colorado's letter on clarification of their position regarding recreation, and fish and wildlife as authorized purposes of the Unit. He liked identifying actions in the box which are discretionary and non-discretionary and was okay to put the Redlands interim contract discussion off until Aspinall Operations Meeting. Steve stated that he is appreciative of the open meeting format.

Bart Miller, representing Western Resources Advocates thanked Reclamation for the open process. Bart would like the meeting summaries as much in advance as possible. He stated that there are different requirements on baseline versus existing conditions. He suggested having six model runs for the six hydrology conditions. Bart asked about updates for hydrology modeling and encouraged a public component to the hydrology subgroups. He also requested that policies that can't be modeled should have a written narrative. Bart stated a need to address Dallas and Dolores and resolve that issue. Bart's position is that the Black Canyon Agreement from 2003 should not be included until a water decree is in place.

Karen Shirley, representing the Upper Gunnison River Water Conservancy District (UGRWCD), expressed appreciation of the public process and encouraged Reclamation to ensure an open process. Karen requested that during discussions of operating criteria, Reclamation provide the exact volume of water contracted and provide more disclosure of targets. Karen also requested that Cooperating Agencies share information with the Upper Gunnison River Conservancy District.

Mike Gross, representing Uncompahgre Valley Water Users Association, Tri-County Water Conservation District and Redlands Water and Power, also requested that meetings be as open as possible, and that CRWCD be allowed to communicate freely with his clients under any formal agreement amount the Cooperating Agencies. Mike stated the entities he represents live and dies on how the Aspinall Unit is operated, and the outcome of this EIS process is important to them. If CRWCD is restricted in its ability to communicate documents and model results, his clients will want to be added as Cooperators.

He stated that the modeling for alternatives in this EIS will not just follow historical patterns, but will put stress on the reservoir system outside of Reclamation's experience to date. He asked Reclamation whether it has a set of Operating Rules that will protect the Taylor Park Agreement under such stressed conditions. Reclamation responded that there are no specific operating rules to protect the Agreement if Blue Mesa's capacity if stressed.

Regarding changes since 1991, Mike had several critical points. He stated that no one in the cooperators group has yet talked about an appropriate period of record for modeling. He observed that since 1991 Reclamation has been shaving water off winter power operations to help build peak flows in May. This is contrary to Reclamation's stated purpose of protecting the River Regulation function of the Aspinall Unit and should not be reflected in the baseline or no-action alternative. He stated that the effects on the CRWCD/Redlands contract in 2002 need to be taken out of the baseline because it was a one-time deal, not reflecting Reclamation's ability to store water legally. Reclamation responded that the model doesn't have the ability to cause a shortage to the Redlands water right.

Mike stressed the issue of Reclamation needs to observe the conditions of the court decrees by making storage release to satisfy downstream water rights. He stated that

Reclamation needs to recognize that there has been significant shift in the philosophy of operating the Aspinall Unit since the Regional Solicitor and previous Project Managers recognized the value of state decrees and asked CRWCD to obtain them on behalf of the United States. Mike stated that there is a big disconnect between court decrees awarded to the Aspinall Unit and current operations. The Operation Guidelines matrix used by Reclamation includes a reference to “downstream senior water rights” but represents them as a constraint on exercising Aspinall storage rights, not as a requirement for releases from storage. The provisions of CA5782 specify a release pattern from Crystal Reservoir with the intention of using stored water to fill downstream senior rights. He stated that prior to the last few drought years, there has been sufficient runoff that Reclamation was operating as required by the decrees without intending to do so. In the past few years, it has become obvious that Reclamation’s philosophy for operating the Unit has changed. Mike would like to see downstream senior water rights represented properly in the Operation Guidelines matrix.

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The meeting ended at 3:20 p.m.

### **Meeting Attendees**

Steve McCall, USBR-Grand Junction  
Carol DeAngelis, USBR-Grand Junction  
Terry Stroh, USBR-Grand Junction  
Dan Crabtree, USBR-Grand Junction  
Ed Warner, USBR-Grand Junction  
Mark Wondzell, NPS+  
Karen Shirley, UGRWCD  
Steve Glazer, HCCA & Sierra Club  
Justyn Hock, USBR-Grand Junction  
Chuck Petty, NPS+  
Patty Gelatte, FWS+  
Coll Stanton, USBR-Grand Junction  
Michael Dale, NPS+  
Bill Wellman-NPS+  
Wayne Schieldt, CDWR+  
Michelle Garrison, CWCB+  
Leslie James\*, CREDA (representing PRPA)+  
Kent Holsinger\*, PRPA+  
Nancy Coulam\*, USBR-Salt Lake  
Sue Moyer, USBR-Grand Junction  
Jay Skinner, CDOW+  
Eric Kuhn, CRWCD+  
Dave Kanzer, CRWCD+  
Eric Knight, USBR-Grand Junction  
Jane Blair\*, USBR-Salt Lake  
Clayton Palmer\*, WAPA+  
Norm Henderson\*, NPS+  
Melissa Trammell\*, NPS+  
Paul Davidson\*, USBR-Salt Lake  
Mike Gross, UVWUA, Tri-County & RWPC  
Heather Patno\*, WAPA+  
Bart Miller, Western Resource Advocates  
Steve Harris\*, SWCD+  
Don Phillips, USBR-Montrose

\*Attended via conference call

+Cooperating Agency Representatives