

**Aspinall Operations EIS
Cooperating Agency Meeting
November 1, 2005**

Final Meeting Summary

The eighth Cooperating Agency Meeting for the Aspinall Operations Environmental Impact Statement (EIS) was held on November 1, 2005 at the Bureau of Reclamation (Reclamation) Western Colorado Area Office at 2764 Compass Drive, Suite 106, in Grand Junction, Colorado. All Cooperating Agencies were present for the meeting. Cooperating Agencies include the State of Colorado (Colorado), Colorado River Water Conservation District (CRWCD), Southwestern Water Conservation District (SWCD), National Park Service (NPS), Platte River Power Authority (PRPA), U.S Fish and Wildlife Service (Service), and Western Area Power Administration (WAPA). A total of 35 people participated in the meeting, including Reclamation staff from Grand Junction, Montrose, Salt Lake City, and Denver. A copy of the meeting attendees is attached.

The meeting began at 9:38 a.m. Three participants joined the meeting via conference call.

Introduction and Welcome

Ed Warner (Reclamation-WACO Resource Division Manager) facilitated the meeting and reviewed the meeting ground rules. Cooperating Agencies and others in attendance introduced themselves and Reclamation reviewed the meeting agenda and no changes were proposed.

Rather than wait until the end of the meeting, the ground rules for this meeting were changed to allow for public comments after each agenda item was discussed among the Cooperating Agencies.

Review of Draft September 7th Meeting Summary

Reclamation distributed the Draft May 20th Meeting Summary. Only corrections to names changes were requested by the Park Service. Requested corrections will be made and the final meeting summary distributed.

No Action Alternative/Action Alternative

Reclamation stated that that the Cooperating Agencies had no come to consensus regarding the No Action Alternative. Each cooperating agency will be given 5 minutes for final comments, and then Reclamation will finalize the no action description. The Grand Junction Office will meet with the Regional Office to formulate the No Action Alternative in December.

Colorado River Water Conservation District

CRWCD thanks Reclamation for its efforts to forge a compromise. CRWCD stated that the parties were about to move closer, but that they were not in agreement. CRWCD stated that the district's "Remaining Yield" position is well known and sees a need to put a quantity on Aspinall yield, but that only a reasonably foreseeable portion of that yield can be used. CRWCD has questions on the Dallas and Dolores Projects depletions accounting. CRWCD stated that Lake Powell depletions are irrelevant and that depletions at the Dolores-Colorado confluence should read "105 to 131 acre-feet". Flaming Gorge and Ruedi should be included for Dallas Creek and Dolores off-set depletions. CRWCD also expressed concerns that the drought exception for meeting 300 cfs downstream of the Gunnison Tunnel conflicts with the April 2nd Agreement.

CRWCD encouraged Reclamation to complete the legal analysis regarding Colorado Water Decrees for the Aspinall Unit. CRWCD expressed concerns about where water users in the Gunnison Basin will be without a programmatic biological opinion. CRWCD's main concern is not so much how the No Action is written, but how to translate it into modeling.

CRWCD stated that the operations of Aspinall are not the end goal, but an element of the main goal. A PBO eventually will cover all Reclamation projects and cover private and reasonable foreseeable future depletions. Goal is to recover the fish while allowing a reasonable increment of future development. CRWCD is concerned that this goal will be lost.

State of Colorado

The State of Colorado expressed the need to maintain the option to develop 240,000 acre-feet after the 60,000 acre-feet for the Upper Gunnison Basin is taken out. The 240,000 and 60,000 acre-feet should be treated equally.

Colorado stated that the Dallas and Dolores Projects should be protected and that Aspinall shouldn't be the total answer for the Dolores depletions. Colorado requested that the Dolores depletions be 81,000 acre-feet and take exception to the full 131,000 acre-feet depletion.

Colorado encouraged resolution of the downstream water rights and stated that it is more appropriate to define the amount of water that can be designated for meeting flow

recommendation. Colorado expressed concerns with how to translate the No Action description into modeling. A PBO is the expected end product for the Gunnison Basin and discussion is needed on now the PBO and EIS can work together.

Colorado also asked for clarification on the Redlands Fish Screen 100 cfs and 300 cfs flows.

U.S. Fish and Wildlife Service

The Service supported the latest version of the No Action Alternative and stated that it is time to finalize the No Action Alternative. The 2005 Progress report for the Recovery Program expressed concern about the slow process of the Aspinall EIS. Water depletions associated with the Dallas Creek and Dolores projects as described in their biological opinions are included in the No Action Alternative. The Service stated that recovery requires sufficient progress and the essential element is provided and protecting flows in the Gunnison River. The Service urged Reclamation to expedite action alternative development and to formulate a subgroup to develop alternatives.

National Park Service

NPS stated that Reclamation has done a good job developing the No Action Alternative description. NPS asked what are the rules and/or specific directions for the hydrology group to develop rules for modeling. NPS stated that the developed action alternatives should go as far as possible in meeting the numbers in Table 4.5 of the Flow Recommendations and should show that all essential life requirements of the endangered fish are met. NPS also stated the need to be consistent about how to evaluate impacts on all interests.

Platte River Power Authority

PRPA echoed the comments that Reclamation has done a good job developing the No Action Alternative. PRPA stated that the flow recommendations would not have been agreed by all parties of the Recovery Program without the language that the table is an example that states Table 4.5 is an example of how to meet the flow recommendations. PRPA also stated that it would like to see recognition and quantification of impacts to hydropower since the 1990s.

PRPA stated that it feels that it is not necessary for the Aspinall Unit to bear the entire burden of compliance for the Dallas Creek and Dolores Projects. PRPA views discretionary actions as actions like the Morrow Point tour boat operations and trout ramping rates, and non-discretionary actions as action like flood control, river regulation and hydropower.

Southwestern Water Conservation District

SWCD stated that the EIS is getting way too detailed and that the EIS should provide the general perimeters on operations. SWCD stated that Service should have said if there is a problem with satisfying the reasonable and prudent alternative for the Dallas and Creek and Dolores Projects. SWCD said it looks like an accounting problem, and should be resolved separately from the EIS.

Western Area Power Administration

WAPA stated that power contracts may be revised deliveries based on hydrology or river operations and that the language on Page 4 of the No Action description can be deleted. WAPA stated that all elements described in the No Action should be consistent with the authorized purposes and believes this language belongs at the front of the elements of the No Action Alternative...

WAPA questions Crystal releases as being described as nondiscretionary because the Curecanti Economic Justification Report does not contain this language. WAPA said the report states that Crystal re-regulates for purposes of the tunnel delivery.

WAPA stated that it does not see specific language that considers using of the Recovery Program to allow for future depletions. The process on how the Recovery Program works should be included in the No Action description. WAPA also stated that the description on existing conditions needs to be clearer.

The Meeting was then opened to the Public for comments on the No Action Description.

Steve Glazer, High Country Citizens Alliance and Sierra Club

Mr. Glazer commended Reclamation on the latest draft of the No Action Alternative, and stated that his organizations generally support most recent draft. He is concerned that Colorado Water Conservation Board sees the main purpose of the EIS is for future depletions rather than meeting existing uses and the flow recommendations.

Mr. Glazer stated that at the bottom of Page 6, the use of "significant" is inappropriate, because the quantity of water is unknown.

Mike Gross, representing UVWUA, TCWCD, and RWPC

Mr. Gross suggested that the issue of decrees serve as a limitation on discretion and is the governing issue in this process. The Aspinall Unit Decrees are still not resolved with no resolution in sight. Mr. Gross stated that he hopes Reclamation is not letting the modelers decide, and that he looks for resolution from Reclamation.

Mr. Gross also referenced the May 17, 2005 comment letter from Tri-County Water Conservancy District. Mr. Gross stated that using a snapshot of 2005 is problematic and not representative of conditions and that Reclamation needs to look further back to get an adequate representation of hydrologic conditions.

Karen Shirley, UGRWCD

Ms. Shirley stated that UGRWCD supports the CRWCD comments regarding the 300,000 acre-feet. The 60,000 acre-feet included Subordination Agreement is an existing commitment. She stated that the No Action should use 240,000 acre-feet instead of 300,000 acre-feet for future depletions, because the 60,000 acre-feet is an existing contractual commitment unlike the 240,000 acre-feet.

Bart Miller, Western Resources Advocates

Mr. Miller state that regarding future yield, future development is not precluded. He expressed concerns however that it appears the 240,000 acre-feet is carved out for future use and not available for the flow recommendations. Mr. Miller suggested that Reclamation include all applicable statutes in the No Action Description appendix.

Reclamation's Intention on No Action

Reclamation stated that pending discussion with the Regional office, it will finalize the No Action Description and that if Reclamation has questions, and it will contact the cooperating agencies.

CRWCD stated that the Aspinall Decrees were obtained by CRWCD as an agent under contract with Reclamation. CRWCD offered whatever information is available to help expedite the process.

Wayne, will it be in writing, Ed will be written down somewhere.....

CRWCD asked how Reclamation will let cooperators know what assumptions will be used in modeling. WAPA stated that there are some significant policy issues and that WAPA is concerned the Bureau will use the EIS to resolve an issue out of scope.

Hydrology Updates and Discussion

Reclamation is working on issues with data between Hydromet and HDB and is getting the model up and running. The Hydrology Group needs direction on future depletions, inputs, inflows into blue mesa, etc. Need to decide if the model will use Colorado's or Reclamation's information.

CRWCD asked if the period from 1975 to 2005 is enough data. WAPA stated that it is not sure that period 1975 to 2005 is represented. NPS asked what the ground rules or direction is for the Hydrology Group to resolve disagreements.

Discussion on Direction to the Hydrology Subgroup

WAPA state that it would be useful to identify policy issues and have Reclamation resolve the issues.

Colorado asked the Redlands fish ladder, fish screen and migration flows get inputted into the model. CRWCD also asked if an acre-foot of water is released for the fish ladder is it accounted for the Dallas Creek and Dolores Projects or how would this be accounted for.

SWCD stated that this is much detail for the model and that it should be handled between Service and Reclamation.

NPS recommended that the hydrology group model the No Action Alternative, identify assumptions used, policy issues, and unresolved issues. Results should then be presented to the Cooperating Agencies.

A Lunch Break was taken from 11:45 a.m. to 12:58 p.m.

Discussion of Action Alternatives

Reclamation stated that it hopes to prepare a narrative description of a range of alternatives for the next cooperating agency meeting and at this stage; cooperating agency input would be helpful.

Reclamation stated the need to determine what type of data is need from the hydrologists and to compare effects on endangered fish. Reclamation then listed initial ideas on alternatives.

SWCD suggested developing an alternative that looks at the maximum peak release and nothing else.

NPS recommended looking at a range of alternatives that maintain and improve habitat, at one end maintained, other improved.

WAPA agreed that the table in the Flow Recommendations is an alternative. The Flow recommendation table include maintain and improve, but also include long-term weighted averages. WAPA stated that an alternative could be constructed that meets the long-term weighted averages that differs from the table. The Service stated that it would like to see the table in the Flow Recommendations included as an alternative. NPS stated that the long term weighted averages are for moving sediment, and not the biological needs.

PRPA stated that sufficient progress doesn't include the tributaries. The Service responded that it does include the tributaries.

SWCD asked if the 1975 to 2005 period is long enough to look at the weighted averages.

The Service stated that the Recovery Program spent many dollars developing the recommendations and that it makes sense to start there.

WAPA stated that it would like to have Reclamation see how much it can do with bundling to meet the flow recommendations, and then see if the alternative exceeds the authorized purposes.

PRPA asked to look at pre-1990 operations to capture spectrum of operations.

CRWCD would like to see an alternative that strives to meet the flow recommendations but incorporate elements to meet the PBO. WAPA stated that it is worried that privates get coverage at the expense of hydropower and that when a proposed depletion exists, the Recovery Program is responsible for offsetting the depletion

The Service stated that the major element is flows in the Gunnison and that it is not appropriate to tie in the PBO to Aspinall operations. The environmental baseline will include all existing water uses. When a PBO is developed, it will be looking at all the existing depletions which were included in the baseline.

WAPA proposed having a presentation of the Recovery Program process at the next meeting. Reclamation stated it will try to get Bob Muth, the Recovery Program Director to present information at the next cooperating agency meeting.

NPS stated that if we go there, then NPS would propose an alternative friendly to the park.

Action Item: *Hydrology subgroup meeting scheduled for Dec 2, 2005 at 9:30 a.m. at Reclamation's Office.*

Action Item: *Reclamation will request a presentation on the Recovery Program process for the next cooperating agency meeting. If possible, Bob Muth, Program Director will make the presentation.*

The meeting was again opened to the public for comments.

Mike Gross stated that he was encouraged to start the PBO process and supports bring in the Recovery Program Director to the next meeting.

Steve Glazer stated that doesn't see problem with initiating the PBO process as long as it does not compete or slow down this EIS process. He state that he think everyone is making progress and is encouraged to continue the momentum.

***Action Item:** The next Cooperating Agency Meeting is scheduled for February 13, 2006 at 9:30 a.m. at Reclamation' office in Grand Junction, Colorado.*

The Cooperating Agency Meeting ended at 2:45 p.m.

Meeting Attendees

Carol DeAngelis, USBR-Grand Junction
Steve McCall, USBR-Grand Junction
Terry Stroh, USBR-Grand Junction
Dan Crabtree, USBR-Grand Junction
Ed Warner, USBR-Grand Junction
Eric Knight, USBR-Grand Junction
Coll Stanton, USBR-Grand Junction
Justyn Hock, USBR-Grand Junction
Paul Davidson, USBR-Salt Lake
Patty Gelatt, USFWS-Grand Junction*
George Smith, USFWS-Denver*
Norm Henderson, NPS*
Michael Dale, NPS*
Mark Wondzell, NPS*
Melissa Trammell, NPS*
Ken Stahlnecker, NPS*+
Chuck Pettee, NPS*
Bill Wellman, NPS*+
Wayne Schiedt, CDWR*
Randy Seaholm, CWCB*
Michelle Garrison, CWCB*
Kent Holsinger, PRPA*+
Leslie James, CREDA (representing PRPA)*
Peter Fleming, CRWCD*
Taylor Hawes, CRWCD*
Dave Kanzer, CRWCD*
Dan Burch, CRWCD*
Clayton Palmer, WAPA*
Steve Harris, SWCD*
Bart Miller, Western Resources+
Mike Gross, UVWUA, Tri-County & RWPC
Karen Shirley, UGRWCD

Steve Glazer, HCCA & Sierra Club
Jeff Crane, Private Citizen
John Wishart, Private Citizen
Cooperating Agencies
+Participated via conference call