

**Aspinall Operations EIS  
Cooperating Agency Meeting  
September 7, 2005**

**FINAL Meeting Summary**

The seventh Cooperating Agency Meeting for the Aspinall Operations Environmental Impact Statement (EIS) was held on September 7, 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 39 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.

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**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.

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**Review of Draft May 20th Meeting Summary**

Reclamation distributed the Draft May 20th Meeting Summary and no comments or corrections were received. Reclamation requested cooperating agencies to review the draft May 20<sup>th</sup> Meeting Summary and email comments/corrections to Terry Stroh by Wednesday, September 14, 2005.

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***Action Item:** Comments on the Draft May 20<sup>th</sup> due by September 14, 2005.*

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### **Review and Discussion of Input received on the No Action Alternative**

Reclamation briefly reviewed comments received on previous versions of the No Action Alternative. Reclamation had previously sent copies of the comments letters received on the No Action Alternative. Reclamation stated that it received lots of comments, but that the comments were not consistent. Reclamation stated that the Cooperating Agencies are not too far apart and that everyone seems to agree that there is some “yield” from the reservoir.

Reclamation stated that the No Action Alternative needs to include storing water for beneficial use and compact use, and various ways to operate the Aspinall Unit for beneficial and upper basin compact entitlement. Reclamation stated that it is reasonable that there are no large scale projects on the immediate horizon. The No Action alternative needs to include reasonable depletions and the consideration that water going downstream may be used in the future. If in the future if portions of the remaining yield is used, this use will require additional NEPA and ESA consultations.

A September 2005 Draft “No Action Alternative and Existing Conditions Description for NEPA and Environmental Baseline for ESA Consultation” document was provided for cooperative agency review and comments.

Colorado stated that the recent version of the No Action Alternative is not everything the State wanted, but thinks that it can recommend to the Colorado Water Conservation Board for approval.

NPS stated that the draft was much improved, however NPS views the depletion of 240,000 acre-feet for future use as inconsistent with the April 2<sup>nd</sup> Black Canyon Agreement. NPS stated that the United States has been non-committal on amount available. NPS asked if taking the “240,000 acre feet yield” off the table for meeting the flow recommendations as described on pages 6 and 7 is a pre-judgment.

CRWCD stated that the discussion of remaining yield seems to tie Reclamation’s hands. CRWCD’s fear is that if Reclamation gets a jeopardy opinion, it will adversely affect the rest of the Gunnison Basin. Reclamation stated that the unused yield is for project purposes.

Colorado stated that it would like to keep the language the same. NPS stated that approach would take the yield away from the solution. The Service stated that this is a description of the No Action. Reclamation added that this is what is going on right now.

CRWCD asked under the No Action if a contract with state was considered an action. Reclamation stated that a contract with the State would require additional NEPA and ESA consultation. CRWCD suggested using the wording “unused portion of the yield not dedicated to meet the flow recommendations”. Colorado responded that it doesn’t like that language as well as the previous language.

NPS suggest that the paragraph shouldn't be included in the No Action description. CRWCD asked what happens if Reclamation gets a jeopardy opinion. The Service responded that reasonable and prudent alternatives would be developed. WAPA added that the Upper Colorado River Endangered Fish Recovery Program (RIP) serves as the reasonable and prudent alternative. If Recovery Implementation Program Recovery Action Plan (RIPRAP) isn't sufficient, the RIP has to add items to the RIPRAP. The Service agreed but stated only if there is sufficient progress towards recovery.

Colorado stated that it doesn't think the 240,000 acre-feet is taken off the table. The language is intended to say that it could be used in the future with additional NEPA and ESA consultation. WAPA stated that this language is also in the RIP.

CRWCD asked if other water users would come on the chopping block if there is a jeopardy opinion. Colorado responded that it doesn't seem reasonable to put any existing user on the chopping block.

NPS suggested using the wording "the unused portion of the" ... to address concerns. CRWCD suggested incorporating the Service's language contained in their comment letter and moving it to the front of the No Action description.

CRWCD stated that it doesn't think the 60k (subordination) and 300k should be treated exactly the same. Colorado stated that it concurs that they are different.

PRPA provided replacement language for power contracts. The language read "Power contracts are 20 year commitments, entered into on October 1, 2004 between WAPA and CRSP power customers, including 55 Tribes as of that date, to deliver firm electric service. Pursuant to these firm electric service contracts, WAPA may revise firm deliveries as required to respond to changes in hydrology and river operations upon five years notice to the contractor". No one objected to adding this language to the description of power contracts.

The Service also requested that the paragraph from Service comment letter concerning future consultations be incorporated into the No Action description.

WAPA asked if the Service does an opinion for each contract issued from the Aspinall Unit, even the 1 acre-feet contracts. Reclamation responded that it consults with the Service on each contract and prepared a categorical exclusion checklist for NEPA compliance.

Reclamation then opened up the meeting for the public to comment and ask questions on the No Action Alternative description.

Upper Gunnison River Water Conservancy District (UGRWCD) stated that it may have comments after the UGRWCD board reviews it.

Mike Gross, representing Uncompahgre Valley Water Users Association (UVWUA), Redland Water and Power Company (RWPC) and Tri-County Water Conservancy District (TCWCD) stated concerns with the 300k yield and future uses. He stated the priority need for protection of existing uses, both public and private. Mike also asked that the description on page 5 be changed to include “operated as decreed under Colorado Water Law and Law of the river”. He also stated that the language on page 8 needs to be stronger in providing protection to Dallas Creek and Dolores Projects.

Western Resource Advocates (WRA) stated that PRPA’s language on power contracts should be added to the existing power contract description, not replace it. WRA also commented on the language regarding the unused portion of the remaining yield and the Dallas Creek and Dolores Projects Biological Opinions.

PRPA stated regarding power contracts that it wanted to point out that hydropower was incidental to other purposes, not an incidental purpose.

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A lunch break was taken from 11:45 a.m. to 12:40 p.m.

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### **Discussion of Alternatives**

Reclamation explained that it wants to examine a range of alternatives in the EIS. Reclamation provided a handout to stimulate discussion and ideas regarding alternatives. Reclamation stated that the handout is an example of a range of alternatives.

WAPA stated that the handout was one dimensional and objected to not including WAPA’s alternative in brainstorming. SWCD asked what the change in historic operations is under the WAPA alternative. The Service stated that it is important to look at flexibility in operations, (.i.e.: icing elevations).

CRWCD stated that it would like to see water banking as an alternative. CRWCD said that there is a statute that allows water banking which could be used to bank water for use in certain years. Reclamation responded that it would have to look if Federal laws would preclude that.

NPS expressed concern about the ability to use the yield for long-term. Colorado stated that it doesn’t object to looking at alternatives, but does object to considering alternatives that preclude additional development.

SWCD asked when Reclamation selects a preferred alternative, if it expects to put a cap on yield.

CRWCD suggested using the language “unused portion shall be available for future development within Colorado consistent with the authorized purposes of the unit and not in future ESA consultations”.

At this point the meeting was opened to the public for comments on Alternatives.

Mike Gross asked if there are any criteria to apply to the process of alternative development. Reclamation responded that alternatives need to be operational. Mike suggested that Items 3 through 5 exceed Reclamation's discretion, erode unit purposes, and are illegal. WRA asked what it was exactly in Items 3-5 that is illegal. Mike referred WRA to Redlands Water and Power Company's comment letter.

WRA asked if there were pieces of water carved out during the Flaming Gorge EIS. WAPA responded no.

PRPA stated that flexibility to hydropower contracts also apply to page 9 of the No Action description.

Reclamation suggested using the language "The undeveloped portion of the yield shall be available for future development within Colorado consistent with the authorized purposes of the unit in future NEPA and ESA consultations". A copy of this language was sent to Colorado for consideration.

Reclamation stated that the next step in the process is to finish the no action description and start to refine some alternatives. Reclamation will send the suggested language by email to the cooperating agencies and interested public.

WAPA stated that it would like to see bundling as an alternative in the EIS and that it would be helpful to run out the concepts, run out bundling, aggressive bundling, etc...

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**Action Item:** *Reclamation requested comments on the No Action Description by October 7<sup>th</sup>, 2005. Reclamation also requested comments on the Action Alternatives by October 14<sup>th</sup>, 2005.*

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### **Next Meeting**

The next Aspinall Operations EIS Cooperating Agency Meeting will be held on November 1<sup>st</sup> at 9:30 a.m. at Reclamation's Grand Junction Office.

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### **Hydrology Committee Report and Discussion of Purpose of Model**

Immediately following the Cooperating Agency Meeting, the Hydrology Group held a brief meeting. It was decided by Reclamation to post versions of the hydrology model on the web as they become available. The model could be downloaded and run by those with the appropriate Riverware software. Any official proposed modifications to the model would come through the group for discussion before being incorporated. Erik Knight showed where this would reside on the Aspinall EIS web site and how it looks on the Navajo/San Juan website.

It is important to note the purpose of the hydrology model is to be a planning tool for evaluation of alternative operations scenarios in relation to the Flow Recommendations for the Gunnison River. Given the many unknowns and variables involved in modeling a river basin the size and complexity of the Gunnison, the model is intended to provide an indication of whether alternative operations might meet the Flow Recommendations.

Coll Stanton presented some example rules for the model and discussed the complexity of their development.

A discussion ensued regarding the need for iterative traces. This type of analysis was used at Glen Canyon in the CRSS model. After dry years, theoretically, Flaming Gorge and the Aspinall Unit should “reset” themselves more frequently than Glen Canyon because they are smaller reservoirs on a larger system relative to Lake Powell. Reclamation committed to look into the viability of iterative traces.

The meeting ended at about 4:30 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  
Alan Schroeder, USBR-Grand Junction  
Justyn Hock, USBR-Grand Junction  
Paul Davidson, USBR-Salt Lake  
Dave Hartman, USBR-Denver  
Patty Gelatt, USFWS-Grand Junction\*  
George Smith, USFWS-Denver\*  
Norm Henderson, NPS\*  
Michael Dale, NPS\*  
Mark Wondzell, NPS\*  
Melissa Trammel, NPS\*  
Bill Hansen, NPS\*  
John Reburn, NPS\*  
Ken Stahlnecker, NPS\*  
Chuck Petty, NPS\*  
Bill Wellman, NPS\*  
Wayne Schiedt, CDWR\*  
Randy Seaholm, CWCB\*+  
Michelle Garrison, CWCB\*  
Jay Skinner, CDOW\*+  
Kent Holsinger, PRPA\*  
Leslie James, CREDA (representing PRPA)\*  
Taylor Hawes, CRWCD\*  
Dave Kanzer, CRWCD\*  
Dan Burch, CRWCD\*  
Clayton Palmer, WAPA\*  
Wayne Cook, WAPA\*  
Clark Burton, WAPA\*  
Steve Harris, SWCD\*  
Bart Miller, Western Resources+  
Mike Gross, UVWUA, Tri-County & RWPC  
Karen Shirley, UGRWCD

\*Cooperating Agencies

+Participated via conference call