

**DOLORES RIVER DIALOGUE
STEERING COMMITTEE**

Jan. 3, 2012

7 pages

Present: Don Schwindt, Dolores Water Conservancy District; Randy Carver, Montezuma Valley Irrigation Company; Amber Kelley, San Juan Citizens Alliance; Peter Mueller, The Nature Conservancy; Vern Harrell, Bureau of Reclamation; David Graf, Colorado Parks and Wildlife; Jay Loschert, American Whitewater; Matt Clark, Trout Unlimited. Guests: Don Magnuson, MVIC; Wendy McDermott, SJCA; Nathan Fey, AW and Mike Preston, DWCD and co-manager of “A Way Forward.” Contract staff: Marsha Porter-Norton, facilitator; Gail Binkly, recorder. Guest: Mike

Visitor comment: Wendy said Vern gave a tour of the Dolores Project to a few people just before Christmas and it was excellent.

Discussion of hydrographs: Peter presented a PowerPoint depicting composite hydrographs developed at a meeting in Grand Junction by members of the Implementation Team and other individuals. Peter said the “A Way Forward” effort offered a more varied approach to aiding native fish than just finding more water, including recommendations about temperature, predation, and geomorphism. Peter discussed how early warming in the Dolores River in the spring, followed by sudden cold water released from the dam during the spill, has been hurting native-fish recruitment. Peter said the IT does not want to create any danger of not filling the reservoir but wants to see if some of the projected surplus (spill) could be used to suppress temperature until the spill. By April 1 or May 1, if it appears there might not be a surplus, then managers would stop releasing water for temperature suppression.

Nathan said each party (American Whitewater, CPW, and DWCD/Reclamation) came to the Grand Junction meeting with a scenario of how to manage a 25,000-acre-foot spill, and the group, with help from Kristina Wynne of Bishop-Brogden water consultants, then created an amalgam of the different hydrographs.

David said an important piece in employing temperature suppression will be real-time temperature monitoring. He said the IT is working to find a way to implement such monitoring near James Ranch so anyone could call on a phone and find out what the temperature is at that site on a particular date.

Don S. asked what would happen if the need for temperature suppression is great but the flow is marginal. David said then temperature suppression would be called off.

Vern asked whether 25,000 AF should be the cut-off point for temperature suppression, saying there might be opportunities at lower flows, such as 15,000 AF, with little risk to anybody.

Don S. said there have been times when a projected surplus of 15,000 AF has disappeared entirely. Vern agreed but said that does not often happen.

David said between April 1 and 15, depending on flows and the forecast, there would still be time to call off a release for temperature suppression.

Randy and Nathan agreed with Vern's suggestion. Nathan said 7,500 AF (the amount needed for temperature suppression) represents a big chunk of boating water and the boaters are already conceding half of a 15,000-AF spill for fish.

Vern said at under 25,000 AF, if half of a projected surplus is being used for temperature suppression, then no one but locals would be boating the river anyway because there would be virtually no notice of the spill.

Peter said temperature suppression is an exciting idea because it uses a small amount of water for a relatively large benefit.

Don S. said this has to be an iterative process and there has to be a comfort level at each date. There has been some fairly significant volatility in the weather in different years. The official forecasts always work off averages, but there have been weather incidents that weren't average.

Peter said instead of talking about fear, the group should be talking about a risk assessment that's embedded into a thought process.

David said there is some intuition and massaging of information involved. No one wants to put the Project at risk.

Don said he does feel more comfort with the hydrographs because Randy, Nathan and Vern are OK with them.

There was discussion of CPW's ideal hydrograph and fish-pool clock. Don said the people who are really interested in the fish-pool clock are the irrigators. They don't want to see the period extended when the clock is off.

There was discussion of the impact of the hydrographs on boaters. Nathan said 500 cfs is based on the original EIS from 1977. It represents a bare-minimum flow, but only for certain craft, not for outfitters and the majority of the paddling community. For most boaters, 900 to 1900 cfs is the lowest acceptable level and 1900 to 2100 is very desirable. Boaters believe five days of optimal flows are better than 10 days at 500 cfs. In Grand Junction the different parties figured out that most of these interests can be met through the composite hydrographs.

Monitoring was discussed. Nathan said CPW's monitoring was pushed back to the descending limb of the hydrograph and if the forecast doesn't materialize, CPW wouldn't be able to monitor that year.

David agreed that monitoring is better on the ascending limb, but this hydrograph for 25,000 AF has a full 48 hours at 500 cfs. He said if there are three years in a row that are similar and CPW has not been able to get in on the receding limb, then the hydrograph may have to be changed things so fish monitoring can be done.

Update on Implementation Team: Mike said they met Dec. 20 and are to meet again on Jan. 12. David created a draft outline for the implementation, monitoring and evaluation plan that is to be completed by June 30. Everyone on the team was comfortable with the structure David

created and the team will be fleshing that out. They want to have a section up front that talks about the need for the plan and offers some targets, such as fish metrics. Shauna Jensen of the BLM will be working on that with Jim White and David.

Mike discussed the need for real-time thermal monitoring and the logistics involved. Jim White is looking for possible locations. Another consideration is the need for the data to be housed somewhere long-term. Mike said there is already good data regarding fish monitoring, but geomorphic and riparian monitoring may take longer to figure out. Boater response is also being considered, and Nathan is looking at how to monitor that. The IT has begun discussing the interface between the IT, Spill Committee and BOR's operations meeting.

Mike said Jim White has done a good job educating the IT about CPW's approach to managing and monitoring the fishery. Jim gave a fairly encouraging presentation at the last IT meeting about the status of native fish; in recent years, CPW has started to see more of them. It is important to remember that these native species live 20 years or more, so you can miss a year or two of spawning without doing much damage to the overall population.

Jim is talking with other people in his system regarding monitoring techniques. The IT still has most of the \$50,000 grant it received and that may help fund some monitoring.

Mike said another opportunity the IT is starting to work on is reducing predation of native fish by brown trout and smallmouth bass. The IT is scheduled to begin talking about base-flow management on Jan. 12.

Another topic on Jan. 12 will be outreach. The team is looking to the DRD as a primary vehicle for outreach and education. It appreciates the role and help of the DRD-SC.

Mike said the IT has stepped up its meeting schedule in order to be ready for the coming spill, if there is one. He said the IT meeting notes are being put on the DRD web site.

Membership of the DRD-SC: The Steering Committee continued the discussion that began at the December meeting regarding a request from Phyllis Snyder of the San Juan Basin Farm Bureau and Drew Gordanier of the Southwestern Colorado Livestock Association to have those two entities added to the membership of the DRD-SC.

Marsha read the DRD's purpose statement: "The DRD is a coalition of diverse interests, whose purpose is to explore management opportunities, build support for and take action to improve the ecological conditions downstream of McPhee Reservoir while honoring water rights, protecting agricultural and municipal water supplies, and the continued enjoyment of rafting and fishing." She also read the functions of the DRD and discussed its activities.

Marsha said when the Technical Committee was reorganized and streamlined into the Steering committee, a list of all DRD members was created. The DRD-SC was set at six members, all from the full list, but it was stated that more could be added as needed. She said American Whitewater and Trout Unlimited were added recently because both represent Dolores Project allocations. After that, however, Don S. expressed a concern about balance between environmental and agricultural interests, and approached the Farm Bureau and Livestock Association about their joining the DRD-SC.

Marsha said although the Livestock Association and Farm Bureau are not members of the full DRD, there is nothing that says an organization not on that list cannot be added to the DRD-SC.

Marsha said originally people had liked the idea of a smaller group, and so far the DRD-SC has been able to work very efficiently. However, it is important that everybody feels heard. She reviewed the suggestions at the December meeting regarding membership:

- Go back to the original, smaller number on the DRD-SC
- Add the Livestock Association and Farm Bureau
- Add representatives for Dolores and Montezuma Counties instead
- Do not add anyone, but link more directly with the Livestock Association and Farm Bureau

David said his reservation about adding two more members is based on the concern about the committee becoming so large that it is a political-dialogue body rather than a functional group. He also believes the agricultural and water-user groups are already well-spoken-for at this venue. Protecting water rights is in every clause in the DRD's documents. However, he is not opposed to adding members because he sees a need for outreach and education. He said another consideration is whether potential new members really want to participate or just want to attend occasional meetings and be educated.

Matt said the Dolores and Montezuma County Commissioners have demonstrated a strong commitment to representing the broad community and working for solutions for everyone. He said he has reservations about the Farm Bureau's and Livestock Association's interest in the entire process. He is not sure of their commitment to helping native fish and working in the community and would like some demonstration of that commitment.

Vern said when the DRD-SC was created he believed it was to be made up of people who had "skin in the game" and responsibility over the Dolores Project – people who make things happen. He would like to go back to the original membership

Marsha said the DRD-SC membership was not necessarily just people who "pull levers" and make decisions, but key constituencies. More people than just water-users and operators have an interest in the Project. At the time the DRD-SC was formed, it was thought that the SJCA could be a voice for the Dolores River Coalition, but the SJCA has said it does not feel it can represent them adequately especially boaters.

Wendy commented that recreation and conservation are different interest groups.

Marsha said balance is important. However, this group works on consensus, so everyone has to be in agreement for something to move forward, meaning that perfect balance may not be absolutely necessary. No interests should feel they are outnumbered, but in a consensus-based process, communication may be more important than who is physically at the table. She noted that this is a process group rather than a decision-making group. However, she said working with the Livestock Association and Farm Bureau does represent a good opportunity for communication and education.

Peter said the Livestock Association and Farm Bureau fit into the DRD function of disseminating

information. He said he is not clear yet about what their role would be in the group.

Don S. said nothing is more fundamental than honoring water rights. Anything done to improve ecological conditions has the potential to damage water rights. If the "fish clock" is shut off during a spill, that entails taking water from irrigators.

Nathan asked if the DRD-SC had ever done anything that violated Colorado water law. He said water rights are protected outside of this process.

Don S. said water law is based on simple, fundamental processes, but in reality, protection of water rights is more complicated. What makes things function are collaborative processes just like this. He said county commissioners can be elected by 51 percent of the people and he is concerned about making sure strong minorities such as water-users are represented.

Marsha asked what activities the DRD has been or would be involved in that would shut out the two agricultural groups. She inquired with the members as to why they feel disenfranchised, and is membership on the DRD-SC the way to fix that or is there another action the DRD-SC needs to take? She said if the DRD has done something to make those groups feel disenfranchised, it need to be fixed.

Randy said the two groups' desire to join the committee probably stems from MVIC's proposal to lease 6,000 acre-feet to the state for an instream flow. He said that issue should be dealt with in a different forum. He said there isn't one sentiment Phyllis or Drew could express that he wouldn't agree with, but growing population and diminishing ag land are part of the discussion and must be considered. Randy asked what part of the lease process failed, and said it doesn't make sense to him to alter this process.

Marsha said regarding the lease, an entity that serves on the DRD-SC (MVIC) brought it to the committee with a fairly urgent time line. Had someone come forward with a proposal without such a deadline, the process might have been different and the DRD might have had more time to gather information. When MVIC came to the DRD-SC, there was not consensus on the committee to support the proposal. That was then conveyed to the full DRD as information. Marsha said if there were three years in which to consider the lease proposal, it might have been vetted by the Hydrology and Science committees and discussed at a couple meetings of the full DRD. Marsha said she believes the process was followed to the letter considering MVIC's deadline.

Don said that was a fair observation. He had wanted the issue, at that time, to be explored in more depth and believes this group needs to facilitate such education.

Vern and Peter made the point that nothing is done in secret at DRD-SC meetings. The meeting notes are online and anyone can come to the meetings. Peter suggested adding the Farm Bureau and Livestock Association to the list of invitees on a monthly basis, as well as the county commissioners.

Don said he feels like a real minority in this group and that balance is critical. He doesn't feel that he alone can adequately speak for agricultural interests.

Wendy said to her it seems that the DRD-SC is a four-legged stool, with two members representing agencies, two for recreation, two for conservation, and two for irrigation. She asked who represents municipal and industrial interests in this process.

Peter said the idea that the DRD-SC is not honoring water rights or is not sensitive to those concerns doesn't make sense to him. He said there is continual discussion about managing this water resource for the benefit of the public and nature, and nothing can be done against Project purposes.

Don said shutting off the fish clock during the spill is not honoring water rights.

David said there may be ways to protect against any potential damage to irrigators that could result from shutting off the fish clock and there needs to be discussion of the benefits vs. the cost.

Vern agreed that everything needs to be on the table, even the possibility of not filling the reservoir. It doesn't mean any of those possibilities will be accepted, but the IT and DRD-SC should be able to talk about all of them. Vern said he is proud of the hydrographs because they represent the combined effort of very different interests. He said boaters have been willing to give up a great deal.

Amber said this group isn't a decision-making body and the IT can't take any steps without having the concepts well-vetted. When the SJCA approached DWCD to start this dialogue ten years ago, it was from a position of having no power. It was for the purpose of having a dialogue and finding community solutions. She said Don S.'s voice is not a minority voice because constraints and water rights are an overarching framework for everything considered in these processes.

Marsha said over the last year and a half since the reorganization, this group has been able to have tough conversations and she hopes that will continue. She said having someone feel they are outnumbered is not good. However, there appear to be major concerns about adding the Farm Bureau and Livestock Association because they haven't been here from the beginning, so she would suggest either adding the two counties or adding more water-users from the full DRD list, such as the Ute Mountain Ute Tribe.

Wendy asked whether there is consensus that the group is imbalanced. Marsha said she is not sure that can be answered at this time because that is a perception issue – some feel it is and some feel it is not. She suggested the group not spent time hashing that point out because there probably is not agreement.

David said it is important to try to fix any perception of imbalance and the group can add people, but if it does, this will become a group purely to disseminate information and put on annual meetings. He said adding Phyllis' and Drew's groups are certainly acceptable and if there are people not being heard, they should be brought in. It is a shift in what the DRD-SC was set up to accomplish, but if the group is out of balance, that needs to be fixed.

Amber said adding the counties is more palatable to her because they have been involved in all these processes, but they may not even want to be on the group. Adding the Utes is also a valid

idea because they are a large water-user.

Peter suggested inviting the Livestock Association and Farm Bureau to come to more meetings and become involved, and revisiting the issue in six months. Peter asked why the representatives were not here today if they want to be part of the process. He said the DRD-SC should have members who have bought in. Don said the schedule change to the afternoon probably affected them being here.

Matt agreed and said people who are interested should come to numerous meetings before being added to the group. He wants to be sure that people want to participate in the fullness of the process and become engaged.

David suggested inviting all five entities that have been talked about (two counties, the two ag groups, and the Utes). He said he is confused right now about the function of the Steering Committee, but CPW will continue managing the fish as it has been.

Marsha went over the DRD-SC's role and asked if that is still relevant.

Amber said the old Technical Committee was huge and nothing got done. Matt said maybe a larger group would accomplish more if its purpose were education.

Marsha said the two ag groups are key constituencies and suggested having someone from the conservation community and someone from the water-user community sit down with them to discuss their concerns and tell them they are always welcome to come to the meetings.

The discussion was tabled as there was not an agreement on a direction to go. New suggestions on the table were:

- Instead of adding the two ag groups or the two counties, add two other water-users from the full DRD list.
- Add just one new member to represent water-users.
- Invite the two ag groups to attend more DRD-SC meetings and revisit the issue in six months.
- Add the two ag groups, Montezuma and Dolores counties, and the Ute Mountain Utes.

Next steps:

→ Marsha will e-mail the DRD-SC's role to the members.

→ This will be discussed further.

→ Someone from the DRD-SC will talk with Phyllis and Drew about their interest and concerns.

2012 activities and budget: This discussion was tabled for lack of time.

Minutes: The November and December meeting summaries were approved with no changes.

Next meeting: The next meeting will be Monday, Feb. 13.