

**DOLORES RIVER DIALOGUE
STEERING COMMITTEE
12/6/11**

Present: Don Schwindt and Mike Preston, 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; Drew Gordanier, Southwestern Colorado Livestock Association; Phyllis Snyder, San Juan Basin Farm Bureau. Contract staff: Marsha Porter-Norton, facilitator; Gail Binkly, recorder.

Agenda: The agenda was approved with no changes.

319 watershed study: Chester Anderson of BUGS Consulting, speaking by phone, explained the 319 watershed study he is producing under contract for the Lower Dolores River watershed from McPhee Dam to the Utah state line. He said the U.S. Environmental Protection Agency authorizes the development of watershed plans under the Clean Water Act to manage and protect against nonpoint source pollution. 319 watershed plans must address nine key planning components designated by the EPA and are designed to identify and address sources of violations of water-quality standards. Chester said on the Dolores River, nonpoint source pollution primarily involves temperature, sediment or salts. Under the 319 program, the EPA has provided grants of approximately \$25,000 for the writing of a plan within each watershed. If the plan is then approved by the EPA, opportunities are opened up to obtain federal funds to address issues in the watershed. The goals of the local effort were to write a plan for the watershed, address the native-fish issue, and gain access to more conservation money for the Dolores Basin.

Vern asked why the entire Dolores Basin was not included in the study. Chester said there were several reasons:

- The DRD was originally focused on only the lower watershed area.
- It would be more expensive to include the upstream area and have to contend with mining issues and national-forest lands.
- These are two distinct watersheds, and it is acceptable to the EPA to divide the watershed for planning purposes.
- A plan has been written for the mining drainage upstream near Rico and although it was not a 319 plan, it followed a similar outline.
- The plan Chester is developing for the Lower Dolores doesn't preclude a 319 plan for the upper watershed.

David asked how the federal funds that might be obtained when the plan is completed could be utilized. Chester said they could be put to many uses to benefit the watershed, depending on what local leaders request; it could, for example, be used to do monitoring for the native fishery.

Vern voiced concerns about the 319 study, saying it could be used by environmental organizations to try to force changes in Project operations as has happened in the past. Vern

said there is no nonpoint source pollution below the dam other what is contained in water coming out of the dam.

Chester said any planning that comes out of this process is supposed to be stakeholder-driven, voluntary and consensus-based. He doesn't believe this plan will illuminate anything that isn't already known. How environmental or other groups might use the information is unknown. He said the Animas River Stakeholders effort involves the same process and participants in that effort say it has been positive and worthwhile. They used the 319 process to avoid Superfund designation, which the locals did not want. Chester said the EPA has found that enforcement and litigation are ineffective in improving conditions on the ground. He said in his experience, if there is a solid, locally led effort to address environmental issues, the federal government and environmental organizations are likely to stay out of it.

David said he believes the local 319 watershed study was approved by the DRD's former Technical Committee. It is a voluntary effort and was designed to fill in information gaps as well as to unleash federal dollars for projects to improve the river. For example, if it were deemed desirable to deepen the channel below the dam to improve the coldwater fishery, this process could help provide funds to do that.

Marsha said the 319 plan will not go out the door without the consensus of the DRD-SC. She stressed the importance of ensuring as much as possible that this document isn't used to hurt the interests of anybody at this table.

Chester said it needs to be decided how the process should move forward. There is about \$13,000 left in the budget. He said the plan doesn't ever have to be sent to the EPA. However, it is good to have a plan in place when seeking money for riparian and watershed work.

Amber asked whether there are 319 plans for similar watersheds that could be looked at. Chester said he isn't aware of any, but he can try to find a finalized watershed plan that deals with issues of agriculture and native fisheries similar to those on the Lower Dolores.

Chester said when seeking funds it is beneficial to have partners such as county commissions and local groups and to have an MOU in place with such entities. It is also helpful to document broad-based community support such as the involvement of the counties in the Lower Dolores Working Group.

David asked about the time line, noting that the Implementation Team has a June 2012 deadline to produce its implementation, monitoring and evaluation plan. Chester said when the IT knows what measures it wants to implement and how much money it will need, that information can be put into the watershed plan and those funds can be asked for. That is up to the group.

Marsha said there is a need to make the 319 watershed plan and IT's plan mesh. **There was agreement that these need to be integrated.**

Chester discussed the need for local input into the 319 plan. Input can now be given via a web site that Chester has set up. Additionally, he and Marsha have talked about having a local "point person" organize stakeholder meetings to get more local input. Don said meetings would

provide a useful alternative to the web site, and asked what type of local input would be most helpful.

Chester said technical details will come from entities such as the Implementation Team and BLM, rafting groups, and anglers. However, someone from outside the local area won't understand the historical context of management efforts on the Lower Dolores, and that is where local stakeholders can help by providing personal stories and historical photos related to the histories of infrastructure, rafting, fishing, and agriculture.

Don said a significant part of this plan should detail the trans-basin use of water and the uniqueness of the agricultural water rights these planning efforts are trying to protect. That input may not come from those who have signed up on the web site so far.

There was consensus that the DRD should take on the task of organizing and sponsoring some public meetings.

It was noted that there is much documentation on the DRD web site that could offer information for the study, including the "Looking Back, Looking Forward" document, the goals document, and minutes of the Lower Dolores Working Group, DRD and Implementation Team. A one-page summary of the DRD's purpose and role is also available.

Next steps:

- This will be discussed further at the next meeting.
- Chester will look for similar watershed plans for comparison purposes.
- Chester will also check whether a watershed-planning effort can be started for the Upper Dolores watershed.

Update on Implementation Team Activities: Mike reported that the IT has met four or five times. He reviewed how the IT was formed and why its starting focus has been spill management. He said the BOR, boaters and CPW each created hydrographs for spill management. Those were then used to create composite hydrographs for different spill levels with the help of water consultants with Bishop Brogden in Grand Junction.

Mike and Amber said some of the team's recent activities include:

- The IT has moved into a discussion of monitoring and evaluation.
- David is working on an initial outline for the plan.
- The team has set up an aggressive meeting schedule between now and March because of the June 2012 deadline for the plan and the need to prepare for the spill.
- The IT is talking about how to make connections to all interested stakeholders and institutions.
- The IT is working down the scientists' list of nine opportunities and is presently looking at the problem of predation of native fish.
- The IT has started talking about the connection between its work and that of the Legislative Committee. The team will analyze a number of different tools to ensure protection of native fish in the absence of WSR suitability/designation.
- The interface between the DRD-SC and IT is being discussed. The IT has identified a need to get information out to the public and hopes the DRD will help with that.

Jay asked whether the composite hydrographs could be shared with constituents such as boaters. Mike said Nathan Fey is the boating representative on the IT and that is the best way for information to be channeled to boaters. Mike voiced a concern about disseminating information without the context in which it was developed.

Amber said the IT has talked about partnering with the DRD to have informational public meetings, including one meeting prior to the 2012 spill. However, they have not come to any conclusions about this.

Mike said the ideal forum would be a DRD meeting where information could be disseminated in person and people could ask questions.

Jay said Nathan did come to a boaters' meeting on Nov. 30 and provided technical information. However, there is a question of how to keep Jay's constituents informed without compromising the work of the IT. Jay said March is late to begin educating boaters about what they can expect from the spill, and suggested an informational forum some time after the IT's Jan. 31 meeting.

Don said communication is a key component of the DRD, and a process needs to be designed that avoids having the community and key players feel their input was not heard. He said the need for openness might outweigh concerns about putting out the hydrographs without context.

Matt agreed that it would be better to put something out sooner rather than later but said there is a lot of thought and experience behind the representation on the IT.

Vern said these hydrographs are not much different from what has been done in the past, and David agreed they are very benign.

Mike said the actions proposed aren't new; what is new is that monitoring and evaluation will be done, and one of the elements to be monitored is boater response. He agreed with releasing the hydrographs as soon as possible.

Next steps:

- The IT will meet Dec. 20 and Mike said he can include an agenda item related to the best time and means to disseminate information publicly.
- Amber suggested that some IT members come to the boaters' next meeting.
- Marsha said this topic will be on the agenda for the DRD's spring meeting and the IT needs to decide whether and how the DRD can help with education.

Slickrock Gauge funding: Mike said the San Juan Public Lands Center is considering contributing to funding for the gauge, and Vern is going to ask the BOR to contribute. Ken Curtis is working with USGS to see whether they could add the Slickrock Gauge to their list of high-priority gauges, which would mean reduced costs for operation and maintenance.

Membership of the DRD-SC: Marsha recapped the process by which American Whitewater and TU were added to the DRD-SC in September, noting that not everyone was present at that meeting. Then at the DRD-SC's most recent meeting in November, Don raised the issue of

balance on the committee and making sure no one set of interests feels like they don't have a voice. One idea to ensure balance was to add a representative from each of the two counties; another was to add one MVIC shareholder and one full-service farmer. No decision was made in November.

Amber said she knows the intent at the time of the restructuring that created the DRD-SC was to keep the Steering Committee small. SJCA was to represent fish and boaters as well as environmentalists but those interests are somewhat different.

Vern said he doesn't like to see the group become big because it makes it difficult to get things done. He is concerned about the possibility of returning to a time when little was accomplished through the Technical Committee. He said it might be good to revert to the original six-member group. He agreed that it might be necessary to add two members to retain balance but the question becomes, why stop there?

Randy said he liked seeing American Whitewater added to the committee. Jay said he had asked to be put on the committee because he was a guest at a meeting and when it was asked how something would affect the boaters there was no one on the DRD-SC to answer.

Don reiterated the importance of balance and the fact that water is absolutely critical to the livelihoods of agricultural people. He said at present BOR, DWCD and MVIC are supposed to represent agricultural interests, but BOR is not always an advocate for water-users, and DWCD wears a big hat. Don said the agricultural voice is not heard as loudly in the DRD process as its stake in the game merits. Farmers, both full-service and MVIC, need to be represented in a way that represents the broad diversity of their opinions.

David said he has learned a great deal from Randy, Don Schwindt and Don Magnuson about how critical the need for water is and what the trade-offs are. He said there is value in balance, but numbers are a concern for the group.

Marsha said it is important to note that the IT has now been formed.

Matt said everyone at the table is committed to working through the issues together and making sure they are representing not just their own interests, but the community's interests. He said whoever comes on board needs to be committed to the fact that this is a consensus-based process, not one that comes down to voting and trying to "stack the deck".

Drew and Phyllis were invited to speak. They had provided letters from their organizations asking to become members of the DRD-SC.

Drew said the livestock association includes three or four counties and represents people up and down the river, including above the dam. He said he learned a great deal at the meeting today and would like to be more involved in the DRD-SC's efforts.

Randy said he thinks what Drew and Phyllis bring is an opportunity for the DRD to reach out to the livestock association and farm bureau and explain the purpose of the various river-planning conversations. He is not recommending a spot on the DRD-SC for the agricultural organizations

but would like the representatives' help in organizing public meetings to provide factual information.

Drew said the livestock association can make time for a presentation from MVIC at its annual meeting.

Matt and Amber raised the question of how to capture all river-related interests without becoming unwieldy and having every type of producer in the basin represented, such as the Ute Mountain Ute Tribe, different grazing and farming interests, and others.

Phyllis said the farm bureau represents a broad base of agriculture, mostly in Dolores and Montezuma counties, including dryland, irrigated, MVIC and DWCD farming. She said the farm bureau hasn't been involved enough in the issues going on within the DRD, and their viewpoint needs to come into the dialogue because water is their livelihood.

Marsha said it is not a question of *adding* that voice to the dialogue, but strengthening it, because MVIC and DWCD are already represented. Marsha said options for the DRD-SC are:

- Go back to the original, smaller number
- Add these two groups
- Add representatives for Dolores and Montezuma counties
- Do not add anyone, but link more directly with these two groups

Don said he does not believe the richness and diversity of the agricultural voice is being heard on the DRD-SC. He said an example occurred last spring when the DRD-SC worked through the very contentious issue of MVIC's proposed lease of 6,000 acre-feet to the state instream-flow program. Don said the process last spring didn't do justice to the question and it was an indication that the agricultural producers' interests were under-represented. Don said that debate hasn't had the full hearing it needs to have.

Randy said there is a better way to address such issues in the agricultural community and the discussion should take place among the MVIC board and shareholders, not here.

Phyllis said the farm bureau's request is not based on the MVIC lease but on the importance of water in the area and the pressures on local water-users.

Amber said AW and TU may have been added to the DRD-SC prematurely and voiced concern that other groups such as the Ute Mountain Utes and the counties will seek to become members of the DRD-SC if they hear that new members are being added.

David said fears that the farm community is not being represented in this venue are not entirely true. At every juncture the message has been conveyed that water rights must be respected. However, it can only help to have more people bringing information back to their constituents.

The matter was tabled until the January meeting. Marsha thanked the guests and said to remember that full DRD meetings are open to everyone.

Budget: Marsha reviewed the DRD's budget, noting that the DRD received a \$15,000 grant from the Southwestern Water Conservation District and drew down the first installment this year.

The grant was contingent on matching funds. DRD will receive its second installment in 2012 and still needs to raise \$12,000 in matching funds. (DWCD gave its \$3,000 in 2011.) TNC and SJCA are approaching their organizations about a \$3,000 match.

Marsha said there will be roughly \$4,000 left in the DRD budget this year.

The remainder of the budget discussion was tabled until the next meeting because of time considerations.

Approval of November minutes: This was tabled until the January meeting.

Next meeting: It will be Tuesday, Jan. 3, at 9 a.m.