

**DOLORES RIVER DIALOGUE  
STEERING COMMITTEE**

**Feb. 13, 2013**

**6 pages**

**Present:** Don Schwindt, Dolores Water Conservancy District; Don Magnuson, Montezuma Valley Irrigation Company; Vern Harrell, Bureau of Reclamation; David Graf, Colorado Parks and Wildlife; Wendy McDermott, San Juan Citizens Alliance; Matt Clark, Trout Unlimited; Jerry Koskie, San Juan Farm Bureau . Guests: Mike Preston, DWCD; Amber Kelley, SJCA. Contract staff: Marsha Porter-Norton, facilitator; Gail Binkly, recorder.

**Update on Legislative Committee:** Amber said the Legislative Committee met last week for the first time in several months. The Implementation Plan was discussed. The Leg Comm is very interested in hearing the feedback from the water boards regarding the plan, and wants to be involved as the plan is reworked. Amber said the Leg Comm has asked for reports from the IT at its monthly meetings. The committee is not going to provide its own set of comments on the Implementation Plan, but the group would like to be more engaged moving forward. The link between the plan and the legislation has not yet been worked out.

The committee will be resuming regular meetings, after having been on hiatus while awaiting the outcome of the Implementation Team's work. The committee is still working on issues regarding the boundary of the proposed National Conservation Area. Newly elected Montezuma County Commissioner Larry Don Suckla is joining the Boundary Subcommittee. The other issue facing the Leg Comm is re-engaging Montrose County in discussions.

Don S. said there has been a great deal of controversy over the first draft of the Implementation Plan. He said it needs to focus much more plainly on a purpose. If the plan is being drafted to deal with water issues in the NCA, it should be more narrowly focused and have more direction from the Leg Comm. Don said process is critical. What the Leg Comm chooses to do with the plan revision and what the IT chooses to do with the plan revision will be significant.

Amber said the hope is that the revision will be something positive and productive. That is why the Leg Comm wanted to be more engaged. The committee does believe the plan will be an important component in how the legislation moves forward.

Marsha said the Leg Comm has to make a decision on how water, fish and flows will be handled in the legislation, if they are. Some proposed language around those issues made the water entities uncomfortable, which led to the "A Way Forward" effort to find a solution to handling those issues. Marsha said everybody is clear that there has to be widespread buy-in on the legislation or it will not be viable. Vetting and public support are critical. Amber said the Leg Comm is set up to ensure feedback and buy-in, because it includes representatives of very diverse interests.

Don S. said he is not sure that continuing to "punt the water controversy down the road" is the best way to move forward. The issues around fish and flows have to be dealt with at some point; otherwise there will be no water language in the legislation.

Amber said the intention is to address those issues, but a key question is how to relate the Implementation Plan to the legislation. Don said whoever writes the revised plan needs to keep that in mind.

David agreed. He said he has been concerned all along about not dealing with the water issues. He said it's critical for the plan and the legislation to move forward on parallel tracks and to at least suggest the intent of the water component in the legislation, without being too specific.

Marsha said there has been discussion of creating a subcommittee of the Leg Comm that would include representatives of MVIC and DWCD, along with two people from conservation groups. This subcommittee would try to come up with suggested language on fish and flows. The language would be reviewed by the Leg Comm, then other entities, then the Lower Dolores Working Group.

Amber said she can continue giving updates from the Leg Comm to the DRD-SC if that is desirable. Don S. said it would be.

**Update on 319 plan:** Wendy said the DRD-SC is committed to seeing the 319 plan through to completion. Once it is final, there will be a next phase involving possible projects that people can apply for through the 319 program.

Don S. said the process of how the 319 plan moves from plan to implementation is a piece that needs to be fleshed out. That process piece should be thoroughly vetted by the DRD-SC. Given the deadlines for submitting the final plan to the state, that process may need to be sketchy as written in the plan, but the DRD-SC can formulate it later.

Wendy said the March 31 deadline with the state is not negotiable. The process of vetting with the community is beyond the requirements of the plan, but it is important. She advised focusing on getting the plan to the state. Then there can be a discussion of the process for putting the plan out in the community and considering any potential proposals for improving water quality.

Marsha noted that the DRD already has a process in place for talking about projects, called the Framework Proposal Process. She briefly explained the purpose of a 319 watershed plan and emphasized that it deals with voluntary measures for improving water quality. Four nonpoint-source pollutants issues have been identified on the Lower Dolores: temperature, uranium, salinity and sediment (note: none of these are actually deemed as "pollutants" by the state). The plan's focus has been on native fish; then it offers suggested actions to reduce pollutants as they relate or possibly relate to native fish.

Marsha said Ann Oliver, who took over for Chester as a paid consultant, sent a draft of the temperature portion of the plan yesterday. The uranium and salinity pieces will not be very complicated, in Ann's opinion. Attorney Jeff Kane is helping because he has a solid background in watershed plans. By the end of March not every single action will be figured out but these can be worked on after the March 31 deadline.

David asked whether the Framework Proposal Process could be incorporated by reference into the 319 plan. Don S. said it could, but there is a need to schedule time for that discussion at a DRD-SC meeting. He thinks it's important to have that laid out in a fashion that will be acceptable to the DRD-SC and full

DRD.

Marsha explained that 319 funding is coming from the Colorado Department of Public Health, although it's originally EPA money that is given to the state. By the end of February the state expects to see a solid draft of the plan; the full final plan is due by the end of March. Chester Anderson, the original contractor, wrote a basic draft but couldn't complete the assignment. Ann and Jeff Kane are now working to revise and complete the plan taking up where Chester left off. Gail, Ken Curtis, and Marsha are writing the different appendices.

Mike said the federal funding that is being passed through will expire. The administrator at the state level is trying to get this off the books, so they want a draft by the end of February. The goal is to get them a draft and an invoice so the state can see that there is something that warrants setting the money aside. What's submitted in February is to validate that there is a work in progress. The draft document will not be published. Mike said the DWCD will be liable for \$12,000 if the 319 plan is not delivered to the state by March 31.

Vern said there is no need for the 319 plan to be overly detailed. This is a dynamic document and it can be added to. The important thing is to get something to the state that works.

Don said that may be true, but the plan can't be so sketchy that it has severe negative consequences to the water community. He also said that we do not want to create pollutants where there are none. He then said the group cannot produce an unacceptable document. If it is necessary for the DWCD to make up the \$12,000, then it's necessary. He wants a quality product.

Wendy advised doing the minimum to get the grant and then revising the document to a point where everyone has a greater level of comfort with it. She said the DRD-SC's involvement will be needed.

Marsha said the consultants have been put on a tight timeline. However, there was not as much data available as they had thought from Chester and once it was received they had to interpret it, understand it and then write about it. That was not a speedy process. Ann and Jeff are working hard she said. She said that it was hoped we would have a draft by this meeting today but that didn't happen. There was just too much work to do once Ann and Jeff picked up where Chester left off.

Don S. said if Jeff and Ann don't produce a document, there will be nothing to submit to the state and DWCD will be liable for the money. He expects there *will* be a document but it probably won't have the full review that he had wanted.

Marsha said it is hoped that a draft of the plan will be available by Feb. 22. Wendy said she would like the draft to go straight to the full DRD-SC rather than the 319 Subcommittee, given the timeline. Don agreed.

Mike said DWCD's potential subsidy to this project is approaching \$20,000 in unbudgeted money and if the grant money is obtained, that reduces the amount by \$12,000 to \$13,000, but his board won't like it if the DWCD has to pay the full \$20,000.

Matt said if the plan is not completed, the DWCD should not be stuck paying the entire bill and another way should be found to pay it.

Don M. said the deadline needs to be met. As pieces become available, they should be sent out so they can be reviewed. Those who don't review the plan will have to accept it for what it is. This document will have some revisions as it moves forward.

Wendy said once it's submitted there will likely be a review by the state or EPA after March 31. If the product is delivered she doesn't see problems in terms of its acceptance.

Marsha thanked the DWCD for being the fiscal agent. She said no one wants them to be stuck with the bill because that just is not fair. Also, Phase 2 will be very important. The 319 plan doesn't stop on March 31.

**Next steps:**

→ The DRD-SC, via Marsha, will push the contractors to have draft sections done by Feb. 22. These can be sent to the DRD-SC (not the full DRD) by Feb. 25. The Steering Committee would have a week to give comments.

→ The DRD-SC will meet March 6 to review the 319 plan. By then the members should have written comments to submit at the meeting, or they can give them to Marsha in advance.

**Goals and activities for 2013:** Marsha reviewed a list of the DRD-SC's goals for 2012 and said the group needs to establish goals for 2013. She had prepared a budget for this year but noted that before the budget is finalized, the activities for '13 need defined.

The following goals were suggested in addition to completing the 319 plan on time:

- Hold at least one full DRD meeting per year, preferably two. Don S. said the DRD-SC should not shy away from setting a full DRD meeting even though controversial issues might have to be dealt with. The idea is to find common ground and educate people.
- Have the DRD-SC meet more regularly, up to 11 times this year.
- Convene the LDWG sooner rather than later. (The Leg Comm will take this up.)
- Keep looking at the original DRD flow chart to see if needs improvement.

There was discussion of the need to keep people informed about the progress of the Leg Comm. Don M. said the Leg Comm needs the DRD-SC's support.

There was discussion about having a full DRD meeting in April.

Amber said the legislation won't be ready by April, but it would be good to provide an update for the full DRD and LDWG. Marsha said a separate meeting of the LDWG is needed because that group had the idea to create an NCA.

Don S. said some different linkages may be needed on the DRD flow chart. Marsha said originally the DRD-SC didn't oversee the LDWG, and changing that would require going to the full DRD because they created the LDWG. Don S. said he did not disagree but some LDWG people have questions about the lack of recent feedback. It was agreed that communication with the LDWG soon is important.

Marsha said 90 percent of the LDWG agreed to the legislative-parameters document in 2011. This is

essentially everything about the NCA except for boundary, and how water/fish would be dealt with. Then, at the April 2012 meeting of the full DRD, Ernie Williams and Amber gave a presentation about the Leg Comm's work. Marsha and Amber sent an email update to people in November, and another would be good. Marsha said maybe the LDWG needs to hear that the Leg Comm is still meeting and the Implementation Plan is out and being revised.

Amber said there may be a need for the Leg Comm to reconvene the LDWG fairly soon. She thinks all these groups will be becoming more active and the LDWG should be among them.

Marsha said communication is key. Members said it would be good for Amber to continue coming to the DRD-SC meetings. It is important to remember that the NCA legislation will not move forward unless the LDWG agrees to it.

**2013 budget update:** Marsha presented a handout on the 2013 budget and said she will redo the 319 budget to reflect the correct amounts for the contractors. There is \$10,285 available to pay Ann, Jeff and Gail for their 319 work. Beyond that the DRD-SC will have to come up with the money.

The draft budget is for \$32,455. Taking into account \$2,374 in carryover monies from 2012 and the \$10,285 remaining from the 319 grant, that would leave \$19,096 to be met by partner matches.

Amber and Wendy said the SJCA cannot provide a quarter of that amount but could likely give about \$2,500. Wendy said now that the DRD-SC is bigger, it may need more partners contributing. There are new partners who may be able to start working this into their budgets.

Matt said others in the larger DRD could be asked to contribute as well.

Don S. said looking to the expanded DRD-SC and the fuller DRD for contributions would be good.

In response to a request, Marsha said the following entities gave the following total amounts over the last three years:

DWCD	\$10,500 (this does not count in-kind contributions of staff time, etc.)
TNC	\$11,250
SJCA	\$ 9,500
SWCD	\$15,000
MVIC	\$ 2,000
Dolores County	100

It was agreed that the CWCB could be approached to fund the remaining work of the LDPW. Marsha was asked to contact the CWCB and see if monies in their "Alternative to WSR" would be available to apply for. Everyone was reminded that it was this fund which covered the costs of the LDPW in the first place via a grant. Mike the CWCB funds have to be tied to deliverable product.

**Next steps:**

→ The budget was generally agreed to but the DRD-SC will see another draft next month.

- Marsha will call CWCB but they need an idea what the deliverable product would be.
- People should email Marsha about what their organization can contribute, or be prepared to tell that at the next meeting.

**Update on Implementation Team and Plan:** Mike said the DWCD board is working on comments about the plan. When the comments are finalized, it can send them to MVIC. The two boards are planning to meet and discuss the comments, possibly on March 19. There is a lot of interest in the plan and there will be a fairly extensive set of comments from those two boards.

Mike said the full DRD meeting, tentatively scheduled in April, could be a good time to discuss some of the issues around the plan, but he doubts there will be a new draft of the document by then. He said the IT is trying to get most of the input on the plan by April 1 and then start redrafting.

David said this should be an agenda item for the next full DRD meeting. Don S. said it would be good to hear some responses to the comments at the DRD meeting. Don M. said even if the responses aren't ready, it is critical to hear the comments.

Mike said if the DWCD were to put out a draft set of its comments, clearly marked "draft", people could start having those discussions immediately. The two water boards would reserve the right to adjust their comments before they were finalized, but if an outline of the comments could be put out early, the IT would have time to digest those and consider responses.

Jerry asked if there will be a public hearing on the plan. He said if there is not a public hearing with public notice given and a chance for people to comment, it could be detrimental. Mike said the problem is someone has to conduct the hearing and he isn't sure who that would be.

Marsha agreed that perhaps the DRD meeting should not be the only place for people to talk about the plan. Don S. said the DRD-SC could also be a useful place to discuss the plan.

Don M. said the water users' voices are being heard through the water boards and the IT is hoping to hear from the Farm Bureau or Livestock Association as well. Members can also comment individually and that's why it's important for the organizations' comments to be put out in public so people can see if their concerns have been represented.

**Next steps:**

- Marsha said the IT should think about the issue of a public forum on the Implementation Plan.

**Next meeting:** The next meeting of the DRD-SC was set for Wednesday, March 6, at 9 a.m., and the following one for Tuesday, April 2. April 18 is a very tentative date for the full DRD to meet.