

**DOLORES RIVER DIALOGUE  
STEERING COMMITTEE**

**April 2, 2013**

**6 pages**

**Present:** Don Schwindt, Dolores Water Conservancy District; Gerald Koppenhafer, Montezuma Valley Irrigation Company; David Graf, Colorado Parks and Wildlife; Amber Kelley, San Juan Citizens Alliance; Matt Clark, Trout Unlimited; Peter Mueller, The Nature Conservancy; Nathan Fey, American Whitewater; Drew Gordanier, Southwestern Colorado Livestock Association; Phyllis Snyder, San Juan Farm Bureau. Guests: Don Magnuson, MVIC; Mike Preston, DWCD; Vern Harrell, Bureau of Reclamation. Contract staff: Marsha Porter-Norton, facilitator; Gail Binkly, recorder.

**Agenda:** The agenda was approved with one addition.

**319 plan:** Marsha said the draft plan has been sent to the state, with “draft” stamped on every page. Marsha said she believes it was a good draft. The state was told the appendices are in process. Bonie Pate with the state will have feedback on the plan to the DRD by mid-April.

Marsha said the 319 project is out of funds at this point because it took longer than anticipated to complete. Jeff and Ann still have some hours to work and probably should be consulted on how much time they think it will take. There is also a need for someone to pull all the different appendices together into a single piece. She provided a handout on the finances that shows a to date deficit of \$9,630 on the 319 project. She said because the overall DRD had a surplus last year, the deficit for the DRD is running at \$5,915.

Drew asked whether consultant Chester Anderson should be asked to give back some of the money he has been paid, since he didn't complete the 319 plan as he was supposed to. Marsha said Chester received \$16,000 of the \$26,000 grant.

Mike said Chester had been attending meetings on the 319 plan until he moved to California. He said Chester did offer to refund the money at an earlier point, but at that a decision was made to keep him. Mike said Chester did add value to the product and it might not be a good idea to have a dispute over funds at this point.

Don S. said many times the group instructed Chester to wait on the project, trying to decide on a focus for it. It didn't really come together until the 319 subcommittee was created and generated an outline. Don said Chester did shape much of the document.

It was agreed not to pursue getting money back from Chester.

Marsha said Jeff Kane charges \$150 per hour, of which DWCD pays \$80 and the DRD pays \$70. As part of determining how to complete the 319 plan, the group will have to decide whether to have Jeff complete the appendix.

Marsha said TNC recently gave \$3,000 to the DRD, and that is included in the budget under “partner matches”. DWCD has also provided \$3,000. SJCA has pledged \$3,000 but it hasn’t yet been received. Also, Dolores County has given \$1,000.

Matt said he has been told TU will be giving \$3,000.

Peter said it would be helpful for Jeff and Ann to continue pulling this work together.

Don S. said the DRD-SC can return to his board for some more money as it becomes clearer what is needed. He suggested approaching the Southwestern Water Conservation District as well, but it would be good to have a substantive budget first, maybe to the end of 2014, rather than piecemeal requests. Peter agreed.

Marsha said she can do a budget through 2014 but the wild cards are how much it will take to finish work on the 319 plan and what resources will be needed for Phase 2 of the 319 plan. She will do some budget figures and bring them back to the next meeting.

Peter said he would like Jeff and Ann to bring a draft of the over-arching appendix and let the group work on that. He would like to empower Don and Matt to work the group through the final draft of the plan as well as the appendix.

Don S. said the “next step” piece will cease to be a wild card as the DRD-SC spends time finishing the plan. He suggested going back to Jeff and Ann and getting a good estimate about what it will take to finish the main plan.

Don S. said he thinks a review by the DRD-SC is the No. 1 type of review that is needed at this time. There needs to be a review by the various entities represented on the DRD-SC to see whether it is a unanimous SC product. He said the group needs to discuss the process to see if there will be a review by the full DRD before June 30.

Don S. said he would like to know what it would take for each entity represented on the SC to have comfort with the plan. He has laid it out with the DWCD board and they had a significant discussion at their March meeting. They are ready to tackle a review of the draft that was sent to the state to ensure that they are comfortable having their name attached to it. He said the appendix is a critical piece, but it is important for the SC to scope that as a group so he can share that discussion with his board.

Matt said it wouldn’t be good to take something that isn’t finished to the full DRD. Don S. said if it has strong SC support it’s a simple step to go to the DRD. The best place to focus everyone’s energies is on getting support from the various SC entities.

Amber asked whether the state cares whether the product has SC or DRD support. Marsha and Matt said no, the state cares the document has a good, broad stakeholder list of supporters and participants, and cares that it meets the criteria. The exact methods for how input is gathered and who reviews is decided locally.

Mike said Bonie doesn't want another version of the 319 plan after June 30. Whatever the group submits on June 30 she will forward to the EPA, and she will expect that it will be published on a local website. If refinements are made after that time, the document can be amended on that web site. He said Bonie will not be looking closely at the appendix because it is a local product.

The group decided that funds needed to be raised to complete the plan. They instructed Marsha to bring a budget to the next meeting that is for the DRD for the rest of '13 and all of '14 and includes finishing the 319 plan.

Regarding the document itself, the group discussed it. Marsha said yesterday Jeff sent her a revised version of the 319 plan he and Ann had edited based on what has been said in the last SC meetings. He revised the first 20 pages of the document accordingly. Marsha will send the group a document with many different "Track Changes" in it showing different people's comments. She said in most cases it's clear the wording is nearly finished, but in some cases where there is a technical question somebody will need to work that out with Ann and Jeff or Ann and Jeff will need to work it out among the two of them.

Marsha said there will still be a need for someone to create one over-arching story out of the different appendices as per the direction decided upon at the last meeting. Matt is going to write the story of the environmental movement. Jeff has said he doesn't believe it will be difficult, once he has received that, to turn the appendices all into one story, whether he or someone else does it. Marsha said there could be another 50 hours of someone's time required to finish the entire document. The more comments and reviews are received, the more time it will take, she noted.

Marsha said Jeff has done a significant revision of Ken Curtis's original appendix on the history of the Dolores Project. A question was asked about what types of revisions are happening. Marsha stated that in some cases, content needed changed and in other cases, feedback was received that the verbiage, in some places, sounded too "promotional."

Peter said it would be best to start with a fresh copy of the draft plan rather than seeing all the "Track Changes" to this point. Phyllis agreed and said it would be best to start with the new draft and make comments to it. Marsha said that was fine but wanted to make sure everyone knows that Jeff and Ann are responding to and working on comments given in the last two meetings. Therefore, only new comments should be submitted.

Don S. asked what the different entities will need in order to be comfortable with the plan. Peter said TNC won't require much time to review it. Amber said the same for SJCA. David said he will probably be the reviewer for CPW but that colleagues he works with will look at it as well. Don S. said his board won't want to see different draft appendices, just the final version.

Marsha asked whether it would be best to have the one over-arching appendix before the different entities start reviewing. Don M. said to start with what is current today.

**Next steps:**

- Marsha will send out both a fresh copy of the 319 plan and a copy showing all the “Track Changes” to this point. She will also send out a “clean” version without tracked changes and this is the one to comment on. This round of input is due by April 15.
- Marsha will send out the latest version of Ken Curtis’s appendix about the history of the Dolores Project. She will also re-send Gail’s interviews with irrigators and rafters and her own history of the DRD; those have not changed.
- The subcommittee (Matt and Don S. and Marsha) will try to sit down with Jeff to talk about how the appendices will be integrated into one piece. Anyone else who is interested can talk with the subcommittee about what direction to give to Jeff.
- SC members will decide when it makes sense for the entity they represent to review the drafts.
- After there is a better idea of what it will take to get the appendix and the body of the plan done the SC can talk more about budget.

Marsha asked whether there will be a review by the full DRD before the June 30 deadline. Peter said he would like there to be a DRD review prior to then. He said the SC should continue having regular DRD meetings because they are helpful.

Phyllis said it is too late in the season to have many members of the ag community at the meeting.

The question of whether to have a full DRD meeting this spring was unresolved.

**Implementation Team and Implementation Plan:** Peter said the IT met yesterday to review feedback on the plan from different entities, including the responses from the DWCD and MVIC boards, the BLM, Dolores boaters, the conservation community and others. They had set a soft deadline of March 31 for receiving feedback, although they will still entertain more comments. The feedback received so far will trigger a process of revision.

Yesterday the IT laid out a basic process for that revision. Peter said the No. 1 challenge they are facing is deciding on the goals of the plan. It was strongly felt that they had to respond to the feedback in a substantive and thoughtful way so they could get support from the water community on those goals. He said the water community’s concerns are somewhat akin to a rock in an hourglass that wouldn’t allow any more sand through.

Peter said the next steps for the IT are as follows:

- First is to revisit the goals sheet, starting on Page 25 of the plan.
- Assuming they can integrate the concerns in a satisfactory manner, that revised goals section will be brought to the Legislative Committee. The IT hopes to have revisions to the goals section done by its next meeting April 24 in advance of the Leg Comm’s next meeting May 1. They will revisit the goals internally and try for full consensus and bring that work to the Leg Comm.
- From there it will go out to the water boards and others for review.

- After that, the next step is to work on other substantive issues beyond goals such as predation, baseflows, and monitoring progress on the native fish.

Peter said the intent is to garner additional feedback on the goals section before the IT proceeds further. He said it is possible there will be an impasse. The conservation community may desire goals that are more ambitious; the ag community may be uncomfortable with the goals that have been set. However, Peter is hopeful that will not be the case and that there is common ground and a way to accomplish some good. The IT wants this next version to be a scientific document that avoids “positioning” or any implication of an obligation to do things.

David said the implementation table on Page 27 is key. He said he and Jim White, also of CPW, included information there without the benefit of context. David said the comments have been very constructive. Everyone needs to be very clear on what success looks like and what constitutes forward progress. That will be a chore for him and Jim, as the native-fish managers, to work on.

David said at present the reach between the dam and the San Miguel confluence is better habitat for the roundtail chub. Downstream of the San Miguel, the habitat is better for the flannelmouth and bluehead suckers. However, he said it is not possible to recommend ignoring the sucker species on the first part of the river. But he said the IT can couch those goals in a way that allow it to have success if a few things are done. There are nine opportunities to aid native fish cited in the plan, and each has some bearing on the fishery. The IT will do a reassessment of pages 24-34. If they can frame the native-fish goals and how to monitor success in a more palatable way, he thinks the hourglass will be unclogged.

Drew said there is a difference between goals and what is achievable. David agreed and said the implementation table in the document was alarming to some and he is sorry for that. They are aiming for something more concise in the revision.

Don S. said if there is an implication in the goals section that something needs more water, that remains a serious concern. If there is any implication about needing more water but silence on how to obtain it, there may still be significant problems.

David said this is a tricky issue, because the goal of better-quality habitat is always going to be present, and if the goal is to have more habitat for native fish it’s difficult to achieve that without more water. The EA laid out a goal of 36,500 AF for the downstream fishery. The IT needs to have that discussion but he personally will be slow to relinquish that goal. He said it may be possible to reframe the goals so the results are “more fish”, and if this can be achieved without more water, that’s great. But habitat is undeniably a factor in achieving more fish, so he doesn’t know how to couch that so it doesn’t raise a red flag.

Don S. said there was a real effort made to present the feedback constructively and diplomatically, but there is a bottom line: quantity of water is a critical piece. He will be

curious to see the responses. He would also like some information sooner rather than later on how to tackle the other issues beyond goals.

David said sometimes unexpected events can result in unanticipated benefits. For instance, the floods last year apparently drove smallmouth bass out of one reach. Things happen that aren't understood. He doesn't know how committed his agency is to 36,500 AF as a bottom number.

Phyllis said it is unfortunate that in a bad drought year the community was hit with this plan. The timing was bad. She said people think the native-fish situation will be like the Gunnison sage grouse, that all their work will be for nothing and the fish may be listed as endangered anyway. She said that there can be more dialogue in the future to explore opportunities but that the timing of the IT's plan was hard for the ag community given the water shortages this year.

David said it's important to take a long view. He said the Colorado Water Conservation Board is paying people in other places who are not going to make a crop this year for water for instream flows. He doesn't know how that would work here. It doesn't work if a perennial crop is involved. But David said there may be other opportunities that haven't been vetted. He would encourage the boards to try to help solve the problem rather than appear obstinately opposed.

Don M. said it is important to keep the proposed national conservation area in mind. That represents locals' best hope for retaining local control over the river corridor. If that is not achieved, then there could be a repeat of what happened with Canyons of the Ancients National Monument and people's worst fears will come true.

**Meeting summary:** The meeting summary from March 6 was approved with no changes.

**Next meeting:** The next meeting will be Tuesday, April 30, at 9 a.m.