

**DOLORES RIVER DIALOGUE  
STEERING COMMITTEE**

**Aug. 28, 2012**

**5 pages**

**Present:** Vern Harrell, Bureau of Reclamation; Don Schwindt, Dolores Water Conservancy District; Randy Carver, Montezuma Valley Irrigation Company; Matt Clark, Trout Unlimited; Phyllis Snyder, San Juan Basin Farm Bureau; Drew Gordanier, Southwestern Colorado Livestock Association. Guests: Don Magnuson, MVIC; Mike Preston, DWCD. Contract staff: Marsha Porter-Norton, facilitator; Gail Binkly, recorder.

**Update on Implementation Team:** Mike said the full Implementation, Monitoring and Evaluation Plan is at the printer's and will be published soon, probably early next week. The educational brochure for the general public is being finished and will follow within a few weeks. There will also be a narrative executive summary to accompany the full document.

Once the IM&E Plan and brochure are in hand, the IT will start an outreach process that will continue over the next year. A communication plan is being developed to guide that outreach. The intent is to introduce the plan first to the DWCD and MVIC boards; it is hoped that this can be done at their September board meetings, which take place the second full week of the month. Mike said there is also a possibility of discussing the plan at the board-to-board meetings between MVIC and DWCD.

Following those initial presentations and one to the Colorado Water Conservation Board, the IT will be ready to present the plan to the DRD-SC. Mike said he would also like to see a presentation made at the full DRD meeting this fall. The team would like to present the plan to the livestock association and farm bureau at their discretion. There are numerous other groups and constituencies the IT would like to engage in the discussion as well.

Drew asked whether the printed materials would be made available a week or two prior to the September meetings and presentations. Mike said the full report is about 100 pages long and there will only be about 120 copies of it and it will be on-line. Many copies will be made of the educational brochure (8 pages), but it is not yet complete. However, Mike said the IT should be able to publish it in advance of the September meetings. He said Drew's suggestion to get the brochure to people in advance is a good one and the team will try to do that.

Mike said the reason for presenting the plan at meetings is to allow people a chance to ask questions. Different members of the IT will be available at meetings to field questions and gather feedback. Mike said the IT anticipates receiving much valuable information in response to the plan and it will probably be revised and updated in about a year. He said he hopes it can work in complementary fashion with the 319 Watershed Plan.

**319 Watershed Plan:** Marsha said Chester has begun writing the document, and it should dovetail nicely with the IT's efforts. She said Gail has been engaged to obtain some background information to provide historical context and will be doing interviews with constituents and groups. Ken Curtis, DWCD's engineer, will be writing about water supply and water management for an appendix.

Don said the watershed subcommittee consisting of him and Wendy McDermott worked with Chester and Marsha and put considerable effort into developing the outline. The document will have four primary authors. Chester will be the main one. There will be three appendices, all of which revolve around the context of the plan and how elements might be implemented. Don felt context was very critical for knowing how the plan might be utilized. Chester will write Appendix 3 (environmentalism and historical context).

Don said Appendices 1 (overview of the DRD) and 2 (overview of history of Dolores diversions, agriculture, and recreational uses of the river pre-Project) are more specific to the local area. Marsha and Ken are to write Appendix 1 and Gail will write Appendix 2. Once the appendices are written Chester will pull appropriate pieces from them to put into the body of the plan. Originally Chester had sought local input through a website, but few people visited the site. Then it was suggested that different constituencies such as boaters and ranchers could be gathered together in meetings so Chester could hear their input at one time. However, Chester is in California and it was decided that it would be simpler to have Gail gather the input for the historical-context section via one-on-one interviews, which she is starting this fall.

Don said while the mention of the EPA raises red flags for many water users, a 319 plan is designed to be voluntary and to open up opportunities for funding that could be used in DRD efforts. Don said he was finally convinced the 319 plan could be a good thing but he said everyone on the DRD-SC is asked to pay close attention to the drafts so they are comfortable with the content.

Marsha explained that the plan asks whether any nonpoint pollution sources are contaminating the river, and, if so, what could be done to remedy the situation in a voluntary fashion.

Marsha briefly discussed the plan's outline and said under 4(d), "NPS pollutants affecting the native fishery", the effects of temperature on native fish will be discussed extensively. This will dovetail with the IM&E Plan. She said 319 plans also examine sedimentation, metals, nutrients and salinity, but these sections may be less-detailed than the discussion about temperature. In terms of emphasis, this 319 plan will focus on native fish.

Matt said Colorado is in the process of developing nutrient standards, so it's a good idea to start looking at that factor.

Marsha said the deadline for completing the plan and submitting it to the State is March, 2013. She said the DRD-SC will probably want to dedicate a meeting to discussing it.

Don said he and Wendy would welcome more involvement by other members of the DRD-SC and they feel they have considerable responsibility on their shoulders.

Marsha asked if anyone were concerned about what the subcommittee is doing so far. She said if so, those concerns can be registered with her or one of the subcommittee members. Vern, Matt and Drew said they were pleased with progress on the 319 plan.

Mike said the 319 plan interfaces nicely with the IT's process. If the DRD-SC can vet and fine-tune the document it will help in producing a final document. The DRD-SC could serve an important function.

Marsha recommended that DRD-SC members let other people know informally that a 319 plan is being written so people don't see it as "coming out of the blue".

**Update on the Legislative Subcommittee:** Marsha said the LDWG was formed to provide recommendations to the Dolores Public Lands Office for its updated corridor plan and to see whether there was an alternative to Wild and Scenic River suitability for the Lower Dolores. They came up with their idea of the National Conservation Area in March 2010. An 11-person subcommittee was appointed to pursue the legislation. The group has been working on principles of the legislation and is now working on several issues, including:

- **The Dolores River Canyon Wilderness Study Area in Montrose County.** The conservation community wants that area to become a permanent wilderness area, but Montrose County needs to be in support of that measure. Montrose County was not part of the original working group, so outreach is being done with the Board of County Commissioners and their staff.
- **The rights of private landowners around Slickrock and the vicinity.** They have to be comfortable with the NCA boundary. Many of them wish to preserve their access and their rights to mineral development. Marsha said the Legislative Subcommittee has determined it is at the point where they need to sit down with each landowner and work out any issues.
- **Fish and flows.** After the subcommittee sees the full IM&E Plan, it will circle back to these issues and work out language around these important topics for the NCA.

Mike said part of the objective in creating the NCA is to get rid of WSR suitability and the possibility of a federal reserved water right on the Lower Dolores. However, if the environmental community is to support that, then they want to make sure that the river's values are protected in other ways. One of the remaining issues is energy extraction in an appropriate manner, whether on public or private land.

Mike said there was a meeting last week to discuss boundary issues, and San Miguel County Commissioner Art Goodtimes was there. The Legislative Subcommittee has agreed that the NCA boundary will be flexible rather than something absolute like the water's edge or the viewshed. He said there is an ongoing dialogue with Montrose County over the wilderness area.

Mike said Sen. Michael Bennet recently met with some members of the Legislative Subcommittee for an update on the legislation. The committee also briefed Darlene Marcus of Rep. Scott Tipton's staff. Mike said if Bennet, Tipton and Sen. Mark Udall can all be brought to support the NCA legislation, there would be a good chance it would have bipartisan support in Congress.

Don and Phyllis noted that even with protections written into the legislation, there is a chance of unforeseen consequences that could harm local landowners. He said even when there is an agreement and a plan, things don't always happen the way they should. He cited Canyons of the Ancients National Monument as an example.

Mike said CANM wasn't created legislatively but through a presidential proclamation. In contrast, the McInnis Canyons NCA was created through legislation, so local citizens had

legislative language to fall back on and could turn to the legislators who supported the legislation if they had concerns. Mike said there is a difference between how CANM played out and McInnis Canyons. That is the attraction of the NCA for landowners, because an NCA is something done legislatively that reflects the intent of all parties agreeing to it and there is some recourse with local legislators. However, there can be twists and turns in the legislative process. Mike said the committee wants the legislation to align closely with their original principles. He said Senator Bennet said if ultimately locals are not in support of the NCA, it is easy to “pull the plug” on the legislation.

**Fall DRD meeting:** The group discussed whether to have a presentation about the full IM&E Plan at the fall DRD meeting, which typically takes place in November. Don and Phyllis said it was important to have the IM&E Plan vetted by the DRD-SC before it goes to the full DRD. Marsha clarified that the IT is not directly under the purview of the DRD. The DRD created the LDWG (which led to the eventual formation of the Implementation Team) but said it was its own entity and does not control it.

Mike said putting the IM&E Plan on the DRD agenda is not about endorsing its contents. Review by the DRD-SC is one step in vetting the plan, but it is not really necessary to get its endorsement. There will be continuing dialogue about the plan and the IT will keep track of the feedback it receives. New considerations and solutions will surface and there will probably be a second version of the plan in about a year.

Phyllis said she did not want a plan to be disseminated that people might assume was approved by the DRD, without the DRD-SC vetting it first. Matt said once the plan is published on the Web, anyone can view it.

Vern said this first version will be a draft plan. He fully expects it to be changed next year. He said BOR has already been implementing the plan’s spill-management recommendations and would have done so again this year if there had been enough water. They have implemented those measures in the past but weren’t monitoring the outcomes.

Mike said the most controversial aspect of the plan is the recommendation to add to the baseflows.

Randy asked how a group first exposed to this plan would be able to understand it. How can the IT obtain an endorsement (or not) from the DRD or MVIC board in that amount of time?

Marsha said she isn’t sure the goal is an endorsement but a reaction, comments, ideas, concerns.

Mike said the IT has been wrestling with that question, and the brochure is designed to present the material in a simplified manner. However, it’s difficult because the material is complex. The oral presentations at meetings will be crucial.

Randy said the people that don’t want any change in river management will need to be able to understand the arguments for change. In agriculture people cannot stay in the same place forever. He said he doesn’t want to put out this plan and have groups say, ‘We don’t endorse

this and we're going to vote out everyone who did.' If that happens, things will stagnate and mandates may be imposed from outside.

Phyllis recommended not seeking endorsements or letters of support but just presenting the plan as information and allowing individuals to give comments rather than having a yes-or-no vote from any group or board.

Mike agreed. He said down the road some of these implementation activities would require institutional support for a particular action, but there is no need to endorse it as a whole. He said he did not intend to put the DRD-SC in the position of having to take a position on it as a whole.

Randy said the plan is something he's been looking for because it will help lay out the situation for the general public. McPhee's managers have been doing adaptive management but there has been no monitoring of the results. This provides the opportunity to see the results of the efforts.

**Marsha suggested having the DRD meet in late November or early December and discussing the plan at that time. A tentative date was set for the evening of Thursday, November 29<sup>th</sup>.**

**Idea of DRD-hosted tours:** Marsha said the tours did not materialize this year, but perhaps they can be done in 2013. The group discussed whether tours should be for the general public or members of the full DRD and decided the latter would be more manageable.

Randy and Drew emphasized that the "ag tour" should show not just how farms work but the importance of agriculture to the broader community and economy.

Marsha said that in talking with Peter and then with the conversation that had gone on at DRD-SC meetings, it seemed like there are many "aims" of the tours including general visits to agriculture properties; a better understanding of how water is delivered in the area; views on the future of water use and agriculture practices; etc. She said that some of the goals of the tours could be met through research, or a Panel or tours. It was clarified that many in the group thought the tours were just for the DRD-SC, not for the general public. Marsha said she had missed that point, that she thought we were trying to put on tours for the public. The group agreed that a start would be just the DRD-SC and that the third week in August of 2013 was a good time to do it (between haying seasons).

**June 5 meeting summary:** This was approved with no changes.

**Announcements:** Don Magnuson of MVIC, who was present as a guest, said the basin roundtable has approved MVIC for two grants to improve the company's water accounting. MVIC will go to the CWCB in September for their approval of those funds. Matt said TU had been doing a lot of work in the upper Dolores area in hopes of opening up some access to trout fisheries working with willing landowners.

**Next meeting:** The next meeting was tentatively set for Tuesday, Oct. 2, at 9 a.m. Sept. 20 was set as a fall-back date if the first does not work out. This meeting will be dedicated to hearing about the IM&E Plan.