

**DOLORES RIVER DIALOGUE**  
**STEERING COMMITTEE**  
**May 13, 2014**  
**draft – 6 pages**

**Present:** Don Schwindt, Dolores Water Conservancy District; Greg Black, Montezuma Valley Irrigation Company; Vern Harrell, Bureau of Reclamation; David Graf, Colorado Parks and Wildlife; Drew Gordanier, Southwestern Colorado Livestock Association; Amber Kelley, San Juan Citizens Alliance; Matt Clark, Trout Unlimited; Lee-Ann Hill, Dolores River Boating Advocates. Guests: Mike Preston, DWCD; Matt Thorpe, CPW alternate. Contract staff: Marsha Porter-Norton, facilitator; Gail Binkly, recorder.

**Agenda:** The agenda was approved with no changes.

**Implementation Team and Plan update:** Marsha said the latest draft of the IP was forwarded to the DRD-SC by the Legislative Subcommittee.

Matt said the first draft came out last year and drew extensive comments from water boards, agencies, non-governmental organizations, citizens, and the Ute Mountain Ute Tribe. The IT realized it was necessary to do another version of the plan and has have been working on that throughout this year, reviewing and redrafting the product. The team is close to being finished.

David said in rewriting the introduction, the IT took out any mention of Wild and Scenic Rivers and outstandingly remarkable values, and focused instead on native-fish management. The plan examines what a successful fishery might be in the Dolores River and what is realistic for CPW to accomplish. David said this is almost a completely different document and is much shorter than the first draft.

Amber said the local boating community has had a significant stake in this effort as well. There has been a considerable effort to maximize the benefits of spring releases from McPhee Reservoir for both the native fish and the boating community.

Matt said since the document has had such extensive review, in particular from the Legislative Subcommittee and the DWCD and MVIC boards, there has been overlapping review of each section. Every major point and comment that came up about the first draft has been addressed thoroughly.

Mike said the plan's latest version focuses on science and looks at the river reach by reach. All "positioning" has been removed. The two water boards wanted to see the addition of a column about predatory non-native fish in a table showing fish populations reach by reach, so such a column was added.

Drew commented that he is way behind in this process and has not read the new plan. He would like more time to be involved. He is not comfortable with the document until he can see what changes were made in response to comments. Greg likewise said he hasn't seen this latest version. Marsha said it went out by email.

Lee-Ann said the boating community wants to make sure that boating concerns are still addressed in the new draft because they cannot support relinquishing WSR suitability until they are sure that particular ORV has been addressed.

David said boating is not called an ORV in the latest version, but the IT was careful to include verbiage to the effect that one of the commitments under the Dolores Project was to provide for boating opportunities.

Amber said all the former ORVs will become “purposes” in the NCA legislation. NCA bills always have a “purposes” section. The term “ORVs” will not be used. The Legislative Subcommittee strongly wants to make sure all the ORVs are protected though they are no longer called such. She said the IT is still working on the link between the legislation and the IP.

Drew said he knows this document is a necessary tool but he thinks it comes at a cost to some water users. Until he and his colleagues can read it and make sure their water issues have definitely been addressed, he’s not comfortable with it. He talked with Phyllis Snyder and she hasn’t had a chance to peruse the document, either, at this point. At such short notice he would hate for something to be overlooked.

Mike said the plan has been extensively vetted. There has been a series of board-to-board meetings and discussions about it, and there will be one on May 20. In addition, the DWCD’s attorneys reviewed the plan, and this very latest version has been sent back to them to make sure it doesn’t raise any concerns about water-rights protection. Mike said probably 90 percent of the last round of comments came from water boards or attorneys, so the water component has been gone over extensively.

Don said he would characterize the situation differently than Mike. He has reviewed the plan since the DWCD board meeting, and significant amounts of comments the boards gave are not in this document. He said if the IT expects community support from groups such as the Southwestern Livestock Association and San Juan Farm Bureau, more time will need to be provided for their review. This latest version came out on Wednesday. Phyllis has been traveling and hasn’t had a chance to read it. People need to compare the water boards’ input and this new draft. There needs to be some discussion of that before any comfort level can be reached.

Vern said a great deal of work has gone into the plan. The team tried to address everyone’s concerns and comments. He said there will always be someone who isn’t happy with a particular word or phrase. He said Don seems to be saying to start over from Square One, and Vern’s frustration is rising a bit. He doesn’t know how to get to the end of the process.

Marsha said some people would like more time. On the other hand, there has been significant community feedback and the water community has weighed in very significantly as well as the Legislative Subcommittee. At some point the process needs to come to a conclusion. The IT needs to take this under advisement and decide where to go from here. Review by the water boards of each section is not insignificant. Any other entity that wants to take this up at a meeting can do so. What level of a review is adequate given that not every stakeholder can be happy with every word?

Drew said the plan probably affects the agricultural community more than anybody else. They have the most to lose.

David said the reason the plan exists in the first place is to provide protection for the flow-dependent ORVs that were articulated by the BLM in its resource-management plan. Those were boating, the roundtail chub, and then the two native sucker species that were added in the revised RMP.

Greg said this is the busiest time in the water year.

David said the IT is trying to get the plan completed so that by fall the pieces are in place for the BLM to relinquish WSR suitability in perpetuity. He said for CPW, the issue of whether the sucker species are considered ORVs is largely irrelevant. CPW doesn't use the term "ORVs", just "native fish". The agency has never shied away from suggesting that the suckers are an important factor in the Lower Dolores. Suitability doesn't really matter to CPW; ORVs don't matter. CPW's job is to manage the fishery, and they believe this is the best way to go about it. David said if people need more time, he would suggest to the IT that they provide it. The reason for the plan, he thought, was largely to protect the water community. He doesn't see that it places a burden on any particular group except on CPW because of all the monitoring the agency will have to do.

Amber said on Page 5, in the section titled, "The Path Ahead," there is language describing what the plan is supposed to do and stating that it is in compliance with Project documents. She said the plan doesn't force anyone to do anything and doesn't compromise any water rights. The idea is to help native fish within a given framework. This plan could stand alone, but having it in place along with the NCA legislation will be even better. She said the team has taken up every comment that has come in and worked hard to actively address everything.

Don said he would suggest having a talk-through session to cover the document and allow people to ask questions about changes between the two drafts. Mike said the board-to-board meeting on May 20 would be a good occasion to provide an overview of the new document. Don disagreed and said the two water boards need to use that time to talk to each other rather than teach folks about the plan.

David said he is developing a bit of "drafting fatigue". The IT has been working on the plan for years. He doesn't want the process to drag on indefinitely. He said this is a living document and can continue to be changed as necessary.

Don said if that's the choice the team wants to make, there will be a certain response from the community. He suggested trying to set up a DRD-SC meeting for discussion of the latest draft.

Amber said the first document prompted extensive comments. The second draft has gone to the Legislative Subcommittee, which includes representatives of the local counties. It's gone through the joint water boards. Rather than creating a separate process for the DRD-SC, she suggested figuring out how those entities who want to do a review can do it. She said their comments and support are very important, but she doesn't want to create a whole other process involving a comparison of these two documents. She said it would be best to provide people time to read this in the near term and a way to communicate their reactions.

Marsha asked if the IT could create a forum to talk about the document at its meeting on May 16. Anybody interested could attend and share concerns. The plan could also be discussed at the board-to-board meeting. If a point was debated hotly by the water boards, people should hear what they say so they know if their concerns were addressed.

Matt said it might be helpful if everyone interested could go to the board-to-board meeting and hear that discussion to gain an idea about the latest version of the document. If people went to the meeting and listened, then came to the next IT meeting, they would be able to address the plan in a more cohesive way, after having had a chance to do more thinking about it. This would make the most efficient use of everyone's time and not throw the schedule too far off.

Mike said the IT could postpone its next meeting until May 23 so it would fall after the board-to-board meeting on May 20. The IT meeting would be an interactive discussion for anyone who wants to take part. Anyone on this group who isn't on the IT could attend. Mike said the IT meets all day and has no other business to consider.

Drew said one of the opportunities in the plan was more water for the fish, and this caused him concern. Mike said the baseflow chapter does discuss the baseflow pool. The fact is that there is a baseflow target and the fish are short of that target. However, the plan does not discuss where the water would come from because this is a fish-management document, not a water-management document. There is a table at the end of the baseflow chapter that identifies all known water rights and none jumps out as available. Project water is fully allocated. That is acknowledged in the document.

Mike reviewed footnotes recently added to the document on Pages 5 and 37 by counsel for the Ute Mountain Ute Tribe. He said the tribe's attorneys are satisfied with the draft. He emphasized that the IP is a framework for adaptive management; nothing is set in concrete. It lays out how opportunities for aiding the native fish will be implemented and monitored. Monitoring will take place at the end of the season to see how efforts worked, and there will be an opportunity at least annually to make adjustments. He said everyone has an interest in reducing risk in case any of the three native-fish species are listed as endangered. The goal is to set up a management plan that will preclude intervention by U.S. Fish and Wildlife. The plan has a link to the legislation, but even without the legislation, the plan is important because it concerns the health of the fish populations and how to manage local water supplies. If locals don't stake out a position on how to manage the fish, they are leaving a vacuum for people with no real knowledge of the area to start managing instead.

Lee-Ann said she has to check with her board but she knows they have an appreciation of the plan. The boating community is anxious to see this move forward.

**Next steps:**

- The IT meeting will be moved to May 23 beginning at 9 a.m. Anyone on the DRD-Steering Committee is welcome to attend and ask questions about the plan.
- Anyone who wants can attend the board-to-board meeting May 20 at 7 p.m. to acquire an understanding of the plan by listening to their discussion.
- MVIC will be sent this latest draft for their meeting.

Marsha suggested the IT be ready to explain how it dealt with comments received. Mike said in the last two rounds of drafting, they have probably dealt with 100 comments, some very technical. It is difficult to compare versions.

**Legislative Subcommittee update:** Amber said the subcommittee has a great deal of momentum now and hopes to have the NCA proposal pulled together this year. Last fall, the subcommittee had many meetings with BLM officials regarding their concerns and their policy manuals. The subcommittee has discussed and reached consensus on a number of issues that then become concepts in the legislative-parameters document.

A Boundary Team has been meeting with private landowners in the Slickrock area to educate them about the process. The meetings have been very positive. After a draft boundary is developed, they will meet with the landowners once more. A subgroup is working with Montrose County and that also has been positive. Another subgroup is working on language concerning water and fish. They haven't yet provided any substantial language to the full group but should do so at the next meeting. The subcommittee is probably poised to have a proposal to take to the LDWG in a couple of months.

Amber was asked about the Slickrock WSA. She said it ends just south of Bedrock. Under the legislation, it would become wilderness. This is agreeable to Montrose County if certain conditions are met, such as the river itself not being part of the wilderness and one particular road remaining open.

She was asked about the BLM. She said an agency representative is not on the Legislative Subcommittee any longer but the subcommittee keeps in touch with them and it is a good relationship.

At the last meeting the subcommittee visited by phone with the chair of the advisory council for the Dominguez-Escalante NCA, Katie Steele, and she was very positive about that NCA.

Amber said the subcommittee continues to hear from Sen. Michael Bennet that he will support the legislation if there is broad local support. Mike said Sen. Bennet and U.S. Rep. Scott Tipton have worked together on Hermosa Creek legislation, so there is good bipartisan involvement in this effort.

Don asked when the subcommittee will have something firm to present to the DRD. Amber said if the DRD meets in July, the subcommittee could provide a solid update. The subcommittee needs to take the proposal to the Lower Dolores Working Group as the next step. She said she expects by August at the latest the legislative-parameters document will be fleshed out.

**Next DRD meeting:** Don suggested putting this off until fall so the focus could be the Implementation Plan and the NCA legislation. Lee-Ann said those two topics might be a lot of material for one meeting.

Marsha said the emphasis now should be on the Lower Dolores Working Group so they can see the legislative document, and that should occur this summer, after which the DRD could meet in September. She said vetting should happen with the LDWG, not the DRD, because the LDWG has purview over this effort.

Don said the water boards are a very important factor and there has been some turnover of people on those boards, so they need to be brought up to speed. Marsha said that was a good point and there might need to be orientation sessions for the various entities. Marsha said she will go through the roster of the LDWG to see which members have changed, and will send out a revised version.

David said it might be good to have an evening DRD meeting in July to discuss the IP and the legislation. It was noted that members of the LDWG are also members of the full DRD. Don said such a meeting could provide educational outreach to new members who need to become active in the LDWG. He recommended it as a useful step toward engaging the LDWG. Matt said the more chances to involve the public, the better.

**There was consensus that the full DRD should meet in July.**

**DRD finances:** Marsha said a grant of \$30,000 from the Southwestern Water Conservation District has greatly improved the DRD's budget picture. Contributions were also recently received from the San Juan Citizens Alliance (\$2,000) and the Dolores County Commission(\$100). The DRD still has a budget deficit of \$1,752.51. for 2013.

Other possible contributions that are pending are \$1,500 from Trout Unlimited, \$2,000 from TNC for two years, and \$500 from Dolores River Boating Advocates.

**Funding for the Slickrock gauge:** Lee-Ann said she was able to acquire funding from entities including CPW, SJCA, the BLM, the Colorado Water Conservation Board, Dolores River Boating Advocates and the SWCD to cover the cost of next year's O&M for the Slickrock gauge, approximately \$16,500. The group thanked Lee-Ann for saving the gauge.

**Minutes:** The minutes of Jan. 7, 2014, were approved with no changes.

**Next meetings:**

- The next meeting of the DRD-SC will be Thursday, July 10, at 9 a.m. The agenda for the full DRD meeting will be discussed.
- The next meeting of the full DRD was tentatively set for Tuesday, July 29, from 7 to 9 p.m. It will be to bring in new members, discuss the IP and offer an update on the NCA legislation. Marsha will talk to Peter Mueller about his possibly giving a brief presentation on the work of the Dolores River Restoration Partnership as well.