

**DOLORES RIVER DIALOGUE
STEERING COMMITTEE
May 28, 2013**

Present: Don Schwindt, Dolores Water Conservancy District; Greg Black, alternate, Montezuma Valley Irrigation Company; David Frederick, alternate, San Juan Basin Farm Bureau; Amber Kelley, San Juan Citizens Alliance; David Graf, Colorado Parks and Wildlife. Guests: Mike Preston, DWCD; Jeff Kane and Ann Oliver (by speaker phone), co-authors of the 319 Watershed Plan. Contract staff: Marsha Porter-Norton, facilitator; Gail Binkly, recorder.

Agenda: The agenda was approved with no changes.

Implementation Team update: Mike said the IT has started its redraft of the Implementation Plan based on input from the DWCD and MVIC boards and a variety of other parties. A portion of the redraft was recently presented to the Legislative Subcommittee, which agreed it was ready to forward to the two water boards, with the exception of a couple of tables on the back of the fishery-goals section. These tables were incomplete, so they were removed to provide time to work on them further. Mike said a week ago tonight, the two water boards held a board-to-board meeting with the IP as the focus. They provided comments and direction to take back to the IT. Mike said the IT is generally taking the plan a portion at a time and is tackling the most controversial pieces first. He said James Snyder has been chosen by MVIC to represent that group on the IT.

Mike discussed some of the changes in the redraft. He said many of the revisions involved the section on fishery goals. The three native-fish species are now discussed separately. The IT is still redrafting the baseflow chapter, which was another controversial part of the document.

Mike said the IT is trying to align its steps to mesh with the regularly scheduled meetings of the two water boards, their board-to-board meetings, and the meetings of the Legislative Subcommittee.

David G. asked how the IP will address evaluating progress regarding native species since the tables were removed from the fishery-goals section.

Mike said the IT wants to tie monitoring to evaluation questions so it is clear what is supposed to be learned from monitoring. The boards have the same concern; they want to know what fishery managers are going to do and how it will be measured.

Mike said the two water boards have discussed having David and Jim White, also of CPW, come to a board-to-board meeting and discuss native fish in general and monitoring in particular. If the IT finishes the monitoring chapter by July, this discussion could happen at the July board-to-board meeting. Mike mentioned that the monitoring piece will also be reviewed by the Legislative Subcommittee.

319 plan: Marsha briefly explained the plan to Greg and David F. She said the two boards will be reviewing the appendices and Draft 6 of the plan itself.

Don said he has talked with both Drew Gordanier of the Southwestern Colorado Livestock Association and Phyllis Snyder of the Farm Bureau, and those entities are also interested in reviewing the document.

Jeff was asked to explain recent edits. He said much of the redrafting involved fleshing out the geography section and placing emphasis on the roundtail chub rather than all three native fish species. There were also some changes that involved filling in technical information in the section about pollutants. The plan's overall general direction has not changed.

Don said the effort has been very positive and he thinks the product will be valuable.

Amber asked about the new focus on the roundtail chub. She understands why it would be appropriate for the IP, but said she isn't sure it makes sense for the 319 plan.

Jeff said that comment was received since the DRD-SC's last meeting and it echoed feedback about the IP. Water users believe that because the roundtail chub is the ORV listed by the BLM on the Lower Dolores, it should be the focus of the conservation effort. Jeff said therefore, the 319 authors used more general language about native fish and didn't imply there was a commitment to conserve all three species in the river. The 319 plan doesn't say that the effort shouldn't benefit all three, but the authors removed any implication that there is a commitment to conserve beyond the roundtail.

Greg said the ORV is the roundtail and given the data presented, the roundtail is doing fairly well in that ecosystem, so it was the opinion of the water boards that the emphasis should be on the ORV. The other two species, the bluehead sucker and flannelmouth sucker, are doing fairly well below the confluence with the San Miguel River. What the effort is trying to create is roundtail habitat. That was the board's input.

David G. said the discussion about ORVs is tied to the BLM's evaluation of the river's possible suitability for Wild and Scenic River status. The 319 water-quality plan is something different. He noted that from the Dove Creek pumps downstream, the river carries a warmwater standard, according to the state. This standard is designed to protect all three native warmwater species, not just the roundtail. He said today the BLM would probably say all three species are ORVs.

Don said some community members may not understand the difference between the IP and the 319 plan.

Marsha said the 319 plan does not evaluate baseflows and whether more water is needed. The document does not contain a single recommendation about more water. The 319 plan looks at voluntary, stakeholder-driven, grassroots measures to protect water quality.

David F. said once guidelines and parameters are established, then implementation is based on those.

Amber said she understands the concern, but the conservation community strongly believes those three species have always existed together and can't be separated.

Jeff said he and Ann did not make many changes regarding language about three native species vs. one. On page 28 under “e. Water Quality and the Native Fishery”, there was a statement that read: “To date, iron has not been identified by stakeholders as a concern for the three species of native fish.” Jeff deleted the reference to “three species” so it reads, “a concern for native fish”. Also, on page 14 just above Section 2, there is a statement: “There is also evidence that these changes in hydrology along with associated changes in water temperature have impacted the timing of spawning, egg development, rearing success, and general fitness of native warm-water fish populations in the Lower Dolores River.” Previously, he had listed the three species by name, but he changed it to read “warm-water fish populations” instead.

Jeff said water-quality standards are designed to protect all the fish, not just specific ones. The document is framed to state that the group is interested in enhancing and protecting water quality to protect native fish, but it doesn’t talk about the three species in particular.

David G. said that is acceptable to him.

David F. said he gathers that the Dolores River meets water-quality standards and there are no pollutants per se, so he is concerned that this plan could change from a 319 project to something like a preservation contract.

Marsha asked what in the 319 plan constitutes a contract. David F. said the whole purpose of a 319 plan is to help mitigate issues, and sometimes this leads to contractual circumstances.

Marsha said this group has laid out ideas for next steps for the five pollutants. They are:

1. more outreach to learn what people think
2. monitoring
3. commissioning some studies

She said the DRD-SC has said any projects funded from 319 funds must be vetted. She doesn’t believe there is any intention that anything in the document should create a formal contract.

Jeff said the plan was seen as an opportunity to protect against degradation of water quality and to deal with sediment and water temperatures to help native fish. The approach was not to commit the DRD to doing anything.

Appendices to the 319 plan: Don made suggestions for minor changes to the appendix about the history of the DRD. There was consensus these were acceptable.

The group discussed Matt’s draft piece on “Western Reclamation and the Environmental Ethos”, which is to be integrated into Appendix 2, about water development and water use in the area. Don said he told Matt it needs to be more concise and Matt agreed. Don said he also suggested three points that needed to be interjected.

Marsha said Jeff is out of time on his contract so if he is to do more work on the appendices or main plan, more funds must be found to pay him. Jeff said after today he will have one hour of time left, but he thinks if Matt rewrites this piece, it can be added into the other appendix easily.

Next steps:

- Amber said Matt can do the necessary revisions.
- David G. will write a few paragraphs regarding native fish – page 7.
- Don will give a cursory review of the next draft.
- Clean Water Act part needs to be written (page 4). This will go into Appendix 2. There is a place holder ready for it.
- The two piece of Appendix 2 will be emailed to the water boards.
- Anyone with comments on Matt’s piece should get them to him by June 4.

Review by groups: Don said he believes the Farm Bureau and Livestock Association are reviewing the 319 plan and deciding what their stance will be regarding it. He said he has always envisioned it as a DRD, or at least a DRD-SC, document, but there has been low attendance at the SC’s recent meetings, so there was not an opportunity to hear from all the groups represented. Don had sought to keep the plan designated as a draft until it had SC and DRD approval, but the state’s deadline for receiving the plan is June 30 and it will not accept it as a draft. Don said the DWCD board has not yet decided whether to approve the plan and will not meet until June 13. The MVIC board meets June 11.

Marsha said all the entities on the DRD-SC have the right to review the document, but the deadline for delivery to the state is very near, and that deadline must be met in order for the state to reimburse the DWCD for costs of the plan. She reiterated that the state will not accept a plan that says “draft”. Also, after June 30, the document will be made public and posted on the DRD web site. She asked whether it would be acceptable to take additional input over the summer, incorporate that into the plan later, and send a revised version to the state.

Amber asked what the state would do with a new version.

Don said he is comfortable with the plan, but different entities may not be. He thinks most of the DWCD board will have read it and will be comfortable with it in June, but he wouldn’t want to make that assumption for the other SC member entities.

It was suggested that entities have the option of choosing to be listed in the plan as “participating”, supporting, or not supporting at this time.

Amber said the DRD-SC should strive to bring people on board with the plan. Having a list of organizations that don’t approve it would be negative.

Marsha said the goal is to get support. The DRD-SC acknowledges that entities will have to discuss the plan, because the issues involved are complex. One of her concerns is that if an entity is reviewing this without knowing the background, the review may not be as helpful. She said the DRD can be a resource to other entities by providing people to go to meetings and give that context if an organization requests it. Don said he has already told Phyllis and Drew he is willing to help.

Next steps:

- Marsha will draft some language stating the possible different levels of support or review by entities, and will disseminate that.
- Marsha will send out a document stating where different organizations fall on the support spectrum.

- Final comments about the 319 plan should be sent to Marsha by June 14. They should be as specific as possible.
- If any groups want a person to come explain something to them related to these documents and processes, the DRD-SC can provide such a person.
- Marsha is leaving on vacation June 20 but will try to have the draft documents pulled together as best as possible before then.
- The DRD-SC will take up the issue of where to go from here once the 319 plan is sent and approved.
- In the fall, the DRD-SC can see whether there is a 319-related project they want to seek funding for.

Full DRD meeting: A full DRD meeting has been set for Tuesday, July 2, from 7 to 9 p.m., at the DWCD offices. The DRD-SC discussed topics and issues to be covered. It was agreed the following should be on the agenda:

- Explanation of the 319 plan and the Implementation Plan, and their differences, including what is voluntary and what isn't.
- Updates on the 319 plan, the IP, and the possible National Conservation Area legislation. This will include an acknowledgement of the controversy over the original version of the IP, and its redrafting.
- The most current data on the status of fish in the Lower Dolores.

Don said the link between the IP and legislation will be critical. Amber said the Legislative Subcommittee doesn't yet know what that link will be, so this discussion should wait till the IP is finished.

Next steps:

- Amber will prepare a handout on the NCA legislation for the DRD.

DRD cash-flow projection: Marsha provided a revised projection reflecting bi-monthly meetings of the DRD-SC, as requested at the last meeting. She said this indicates the DRD will be approximately \$1,000 in the black at the end of 2014. This projection depends on receiving a \$16,000 grant from the CWCB and \$5,000 from another entity. Marsha will be sending a grant request to the CWCB.

The group discussed contributions to be made by their entities. Don said the \$5,000 the DWCD recently contributed is all that it will be able to provide. Amber said SJCA's contribution may be slightly lower than \$3,500. Marsha said she may need to increase the amount of the request to the Southwestern Water Conservation District to reflect those numbers.

Next steps:

- Marsha will talk with Mike about the budget and to Don regarding SWCD.

Meeting summary: The minutes from April 30 were approved with no changes.

Next meeting: The next meeting of the DRD-SC will be Tuesday, Aug. 6.