

**DOLORES RIVER DIALOGUE/  
LOWER DOLORES WORKING GROUP  
Joint Meeting  
Sept. 28, 2011**

**In attendance:** Mike Preston, Dolores Water Conservancy District (DWCD) general manager; Ken Curtis, DWCD engineer; Don Schwindt, Bruce Smart and Jim Fisher, DWCD board; Carolyn Dunmire, private boating; Karel Miller, Lower Dolores Plan Working Group; Nathan Fey, American Whitewater; Matt Clark and Mely Whiting, Trout Unlimited; Jimbo Buickerood, Amber Kelley, Lee-Ann Hill and Wendy McDermott, San Juan Citizens Alliance (SJCA); Brian Magee and David Graf, Colorado Division of Parks and Wildlife; Bill Jobin, Colorado Valley Ecologists; Tony Littlejohn, Rocky Mountain Canoe Club; Sam Carter, a member of the McPhee Spill Committee; April Montgomery, Southwestern Water Conservation District; Doug Pickering, Division of Water Resources; Don Randle, concerned citizen; Kevin Cook, Greater Dolores Action board; Doug Stowe, Julie Kibel and Ernie Williams, Dolores County Commission; Gerald Koppenhafer, Montezuma County Commission; Art Goodtimes, San Miguel County Commission; Scott Clow, Ute Mountain Ute Tribe; Peter Mueller, The Nature Conservancy; Shauna Jensen, Dolores Public Lands Office; and Chester Anderson, BUGS Consulting (via speakerphone).

**Agenda:** The agenda was approved with a change in the order of events.

**“A Way Forward” update**

**Do-able alternatives and new Implementation Team arising from the “AWF” effort:** Mike Preston and Peter Mueller of the Legislative Committee of the Lower Dolores Working Group gave an update on the progress and impacts of “A Way Forward”. Mike presented a handout on the report of the three scientists/researchers employed to conduct a review of native-fish status on the Lower Dolores under AWF. He said there was considerable cooperation among agencies to provide the scientists with all possible information.

Mike and Peter discussed the Implementation Team (IT) that was created as a result of the discussions of the Oversight Panel that governed the AWF inquiry. The new team includes representatives of the Bureau of Reclamation (BOR), Colorado Parks and Wildlife (CPW), Montezuma Valley Irrigation Company (MVIC), DWCD, The Nature Conservancy (TNC), SJCA, American Whitewater and Trout Unlimited (TU). The IT will meet for the third time on Sept. 29.

The IT has already decided that there is much that can be done to help native fish within existing regulatory flexibility. At some point, a NEPA process will be necessary for permanent management changes that may be proposed, but the team believes at this point it is better to try the different alternatives presented by the scientists and see what works before deciding what measures to make permanent. The IT is utilizing a \$50,000 grant to produce an Implementation plan as well as a monitoring and evaluation plan by the end of June 2012.

Mike reviewed the agenda for the IT’s Sept. 29 meeting. He said many of the opportunities suggested by the scientists to aid native fish and discourage non-native fish involve temperature and therefore spill management. He said David Graf created hydrographs showing how releases from the dam could be planned for four sizes of spill in order to suppress premature warming

and aid native-fish spawning. This would involve releasing more water early in the season. There will be more discussion of the possible effects on rafting flows at the Sept. 29 meeting.

Peter said the IT is committed to bringing about concrete changes to aid native fish. He said it is clear that the values of the river aren't being cared for as well as they could be, and the AWF scientific inquiry highlighted the main factors harming native species – temperature, habitat and predation. He said there is a real expectation that the implementation plan will, in fact, be implemented. He believes it is necessary to move forward now. The IT members are excited about the information that came from AWF and the possibilities it suggests. Peter said he hopes there will be a dry run of a spill shaped around native fish this coming season and in the fall the results can be evaluated.

**Future role of DRD:** Peter said the DRD's work overlaps to some degree with the Implementation Team's, but the IT will need the DRD's help in continuing the dialogue about river management, understanding costs and opportunities, and bringing ideas to a wider base of constituents. Mike agreed and said the DRD will continue to be needed for networking, education and consensus-building. He emphasized that the effort would not be where it is now without the DRD. All this came to fruition as a result of the work of the DRD and LDWG. Marsha said everyone should be proud of the DRD's accomplishments from its inception to now, as well as the work of the other groups it has spawned. The DRD Steering Committee will now meet every other month instead of monthly, and the DRD will continue to meet twice a year.

**Q & A:** Brian Magee asked what specific thresholds could trigger NEPA. Peter said those have not been delineated by the BOR. Mike said at some point NEPA will need to be invoked but at the moment no one knows what the preferred alternative would be if an environmental study were undertaken.

Bill Jobin said studies of the Upper Dolores have showed a warming of temperatures in the river over time, and asked about the effect of those warmer temperatures on the Lower Dolores. Chester Anderson said air temperature is the largest factor in water temperature. Although releases from McPhee are cold, it will be difficult to keep flows cool if air temperatures increase. He said at the beginning of summer, the lake stratifies and the coldest water is at the bottom. That is the water released into the Lower Dolores, so input temperature from the Upper Dolores will not have much effect.

Carolyn Dunmire praised the AWF effort and thanked those involved for their work. Mely Whiting of TU also thanked the group and said this is a good opportunity to do a number of things. She said it was a hard pill to swallow for TU's members to learn that brown trout are major predators of native fish, and some outfitters are concerned about their livelihood. However, TU has said it will do what needs to be done to help native fish as long as real science is followed and fish are not being slaughtered recklessly. It is important to monitor to see whether the efforts have a positive effect. TU does ask that if rainbow trout are not posing much threat to native species, they be helped to survive and thrive. She said the focus of the trout fishery may be shifted to areas upstream to make up for what TU is losing downstream.

David Graf said it is recognized that the trout habitat in the first 12 miles below the dam is largely compatible with native habitat in the next 160 miles downstream. Without using the dam's higher-level Selective Level Outlet Works to release warmer water, the status quo (the

coldwater fishery) will persist. He believes with sufficient base flows and spills there will continue to be trout. He said CPW must decide how aggressive to be regarding brown-trout management in the reach from the Dove Creek pumps to the Pyramid, where there may be significant overlap between brown trout and native species. Sampling is difficult in that stretch.

Scott Clow asked whether consumptive uses have been part of the discussion about protecting base flows. Mike said the scientists stated that additional base-flow water would definitely be beneficial, but the question is where it would come from. He noted MVIC proposed leasing some of its water to the state instream-flow program, but the lease did not go through.

Peter said the IT is trying to decide whether there is a way to manage the fish pool as well as the spill to suppress early temperatures without risking filling the reservoir or decreasing boater days. A decision-making flow chart will need to be created that will incorporate updated information so there can be agreement in early winter about what plan to put in motion in April.

David Graf discussed the importance of occasional peak flows to create habitat that is conducive to fish spawning. Even a low volume of water such as 300-400 cfs can cause some mobility of the fine sands that fill in the cobbles where the fish like to lay their eggs, so that might be an objective in a small-spill year. With bigger spills the goals might be to create bigger channels, recirculate material from the floodplain into the river, and reshape the channel. He said if there were good spills in three or four years with results that helped native fish, then perhaps boating flows could be the goal of spill management for the next few years. A decision tree will be helpful in trying to take different needs into account.

Amber Kelley said it's important to recognize that not every possible goal can be achieved every year. Managers must look at a five- to 10-year range.

Dolores County Commissioner Ernie Williams noted that a uranium mill may be opening in Paradox Valley and said the mill could have the side effect of increasing base flows in the Lower Dolores. The company would be taking water from deep wells to process ore and would have to then purchase water from McPhee to mitigate the depletions. This could have the effect of sending more water downstream from the reservoir.

Brian Magee said an increase in Gothic shale-gas development is expected throughout the area and that will also require a lot of water, thus negating any possible benefit from the mill. Doug Stowe said energy companies are trying to use CO2 instead of water for fracking of natural gas and that could help reduce the amount of water needed for gas extraction.

Amber asked if the augmentation water purchased by the mill would provide a constant flow. Mike said the Colorado Water Conservation Board will have much to say about how water is released, and DWR will have to administer the water. The CWCB could utilize the additional water to help native fish, and some of what was learned from the AWF inquiry may shed light on how to use those additional releases.

Jimbo Buickerood asked whether M&I water has been considered as a possible source of increased base flows. Mike said it is very expensive to purchase.

Marsha thanked the funders of the AWF effort: Montezuma, San Miguel and Dolores counties; the Southwestern Water Conservation District; the Southwest Basin Roundtable; DWCD; The Wilderness Society, MVIC, TNC and SJCA. Mike thanked Marsha for working to obtain the funds.

### **319 Watershed Study**

Marsha introduced Chester Anderson. She said several years ago the DRD decided to pursue a grant from the Environmental Protection Agency for a 319 watershed study. Chester has a contract to work on that study and develop a watershed plan.

Chester said funding for the study comes from the Water Quality Control Division. The study is focused mainly on nonpoint source pollution. One of the original objectives and one of the purposes of the watershed plans is to open up opportunities for larger sources of federal funding. This could be used to help native fish. He said the watershed study is entirely voluntary.

Chester said many of the components of the watershed plan have already been completed, but he believes one of the most important aspects is the implementation plan for the native fishery and it will be important to have that plan referenced in the watershed plan.

He said he has a web site and has set up a way for people to comment on and help develop the plan through the web site. Chester explained the process by which people can submit comments. He said he particularly wants comments regarding the history of the DRD, the history of agriculture, water diversions in the Dolores River, coldwater fisheries, rafting, recreation and the native fishery. Marsha will e-mail DRD and LDWG members a flyer with background information and a link to his site. Interested people can register and provide comments. Chester would also like historic photos. They can be sent either digitally or in the mail.

Chester was asked why only the Lower Dolores was considered in the watershed study. He said primarily because that is the focus of the DRD and also because the dam creates two different watersheds. What happens upstream does not have much effect on water quality downstream.

### **Legislative Committee**

Amber Kelley said although the legislative document hasn't been revised recently, a great deal is happening with the legislative effort to create a National Conservation Area along the Lower Dolores. AWF and the development of the IT have been big pieces of the effort.

She said when the idea of finding an alternative to Wild and Scenic River designation was proposed for the Lower Dolores, the trade-off was that the river's associated Outstandingly Remarkable Values (native fish, scenery, rafting, archaeology, geology, botany and ecology) would be protected. That idea will be carried forward in the legislation. Private property rights will also be protected, as well as water rights and mineral rights.

Amber said work is being done to develop a boundary for the proposed National Conservation Area. The general idea is to look at the river corridor and the Theme 2 management area as designated by the San Juan Public Lands Office. That area is essentially rim-to-rim. Another area is the watershed, which sometimes extends further out than the corridor. Biological data and species are also being taken into account when developing a boundary.

Ernie Williams said many stakeholders have an interest in the area. The intent is not to impact existing uses such as grazing, roadless areas, four-wheel-drive trails, hunting and other uses. There is a Wilderness Study Area in Montrose County that is to be included in the NCA, and Montrose County must be supportive of the effort for it to move forward.

Amber said a management plan for the NCA will be required in the legislation and there has been talk of forming a local advisory committee.

She and Ernie also discussed mineral development within the NCA. Typically, NCAs have a complete mineral withdrawal, but the Legislative Committee has proposed implementing a mineral withdrawal within the narrow river corridor, but allowing mineral development within the broader viewshed area, with a stipulation of no surface occupancy. Valid existing mineral (fluid and hard-rock) leases will be respected. This is a unique solution and will have to be vetted with legislators.

Shauna Jensen said wind and solar development must be considered as well as traditional energy development because there have been proposals for wind turbines on the rim of the canyon.

Brian Magee suggested considering a mechanism to buy back existing leases. He also suggested taking those areas that are not currently leased and asking the BLM to administratively withdraw them immediately. Shauna said it's likely that the agency would postpone leasing in any area within that boundary until the legislation is developed.

Amber said the LDWG will need to seek broad support for the NCA proposal. Ernie said the Legislative Committee has been meeting with different interest groups such as the Western Small Miners Association.

Amber said next steps will include:

- Working on the boundary. A formal boundary proposal will need to be developed and she hopes that can be done this winter. They are working on compiling a map of all existing energy leases.
- Updating Montrose County on the effort and gaining their support.
- Initiating bimonthly meetings with the BLM.

Amber said the agency has postponed finalizing its corridor management plan until the legislative proposal/NCA is completed because a management plan will be developed if the NCA is created, and there is a desire not to have the plans conflict. Amber said all the work done by the LDWG and feedback provided to the BLM will be used when that plan is created.

Amber said it will be important for all this to fit with the work of the IT. The IT's output must be a component of the legislation. There will be plenty of opportunities for feedback and if another group or person wants to come to a Legislative Committee meeting or to meet with members individually, they can.

### **Dolores River Restoration Partnership**

Peter Mueller gave a brief presentation on the work of the DRRP, a partnership formed to manage tamarisk on the Dolores River. It was started in 2008 and involves six counties, four BLM

offices and two states. He said 80 percent of wildlife depends upon the riparian area and the river that flows through one of the most arid regions in the West. Tamarisk has been a destructive invasive species. The DRRP's goal is to do restoration efforts on 2,050 riparian acres of the river from McPhee Dam to the Colorado River confluence by 2014 at an estimated cost of \$3.7 million. Approximately \$1.3 million has been raised so far and work has been done on one-third to one-half of the river. A major donor has been the Walton Family Foundation. Work is being done by youth and conservation corps groups.

Peter said tamarisk beetles have been released in some areas and have caused tamarisk mortality. However, once the tamarisk dies, other invasive species such as knapweed and kochia may move in because the soil is salinated to the point where native grasses cannot survive. Peter said secondary weeds are a major problem but efforts are being undertaken to manage them as well.

He said goals for the next three years include:

- Continue to work on tamarisk and secondary weeds.
- Monitor weed and native-vegetation responses.
- Do active revegetation when needed.
- Through monitoring, assess progress towards a goal of 85 percent native-species cover on 90 percent of riparian lands. This goal could take 20 to 50 years to achieve, but progress is being made.

### **New Sno-Tel**

Ken Curtis said the new SnoTel on Black Mesa should be installed in about two weeks and should be operational this year. The DWCD will be sending out bills for the funding contributions pledged by various partners.

### **Slickrock gauge funding**

Mike said the gauge was installed in 2008. It costs about \$17,000 a year for operation and maintenance. The DWCD is still paying about 80 percent of the cost of that O & M, although the SJCA, MVIC, Greater Dolores Action and TNC have made contributions. The DWCD board did not intend to pick up so much of the cost and would like to reduce its contribution to about 20 percent of the total. There is also a desire to add a thermal-monitoring component to the gauge and that would cost approximately \$2,400 for installation and then about \$4,400 a year for O&M. This all would require about six stakeholders each contributing \$2,500 a year.

Amber said SJCA intends to continue its contributions. Kevin Cook said the Greater Dolores Action board will consider increasing its contribution. Other sources will be sought.