

NPBRT Meeting Minutes 2-16-10

**NFS Conf. Room (3-5PM)
100 Main Street, Walden, CO**

Members Present

*Mike Allnutt
Deb Alpe
Mike Alpe
*Jimmer Baller
*Kent Crowder
*Kay Meyring
*John Rich
*Barbara Vasquez
*Ty Wattenberg
*Rick Wyatt

Members Absent

Paula Belcher
Pete Conovitz
*Hal Hagan
Greg Johnson
*Tom Hackleman
*Mike Honholz
*Sandy Knox
*Dirk Ramsey
Ann Timberman
(* Voting members, total 13)

Guests Present

Robin Blake
Mark Dunning
Deb Heeney
Karen Kieborz
Carl Trick II
Erin Light
Matt Reddy
Kevin Rein
Shanna Schalnus
Liz Schnakenberg
Bob Souza
Jeff Streeter
Arla Strasser
Bob Timberman
Kincaid Waldron
Ben Zak

I. 1-19-10 Meeting Minutes: It was moved by John Rich and seconded by Ty Wattenberg to accept the 1-19-10 meeting minutes as written.

II. Review of agenda: accepted as published

III. Matt Reddy, Ducks Unlimited - WSRA Application: Irrigated Meadows Conservation Program- Phase 1

Matt's presentation material "North Platte Basin Waterfowl Conservation 2-16-10" on the revised "Phase 1" WSRA application is too large to send electronically. If anyone wants a copy, please contact Matt or Barbara. The target of DU in North Park is to enhance existing waterfowl breeding, post-breeding & staging habitat. DU has determined that North Park is the second most important waterfowl nesting/breeding area in Colorado. Pictures of previous projects on the Pleasant Valley and Independence Ditches as well as on Tointon's property and on the Refuge. Regarding the project on private property, Carl Trick asked what the landowner contribution was. Matt explained that the work was funded in part by NAWCA grant and DU as well as CDOW Wetlands. He wasn't sure of the details of landowner contribution for the NAWCA grant, but the agreements require 30 years maintenance of the improvements. Regarding duck habitat,

the target is water depth of 18" maximum, with pulse flows May-June. The owner's important outcomes were improved grass production (for cattle) and improved waterfowl habitat. Deb Heeney asked what the 'days underwater' target was for the inundation; Matt didn't have that figure. John Rich asked whether ducks nest in sagebrush. Matt replied that in NP most occurrences of duck nests in uplands are in close proximity to wetlands or wet meadows. Mark Dunning asked about the timing of the water. Matt's reply was that the earlier you can get water on, the sooner waterfowl will key in on the area and begin nesting. In NP, earliest is usually May, with irrigation cutoff in July. For the NAWCA grant, a management plan is developed with the landowner that runs for 30 years with unchanged stocking rates. The agreement can be voluntarily modified. DU doesn't have a large body of data on the impact of stocking rates on duck nest success or density.

Erin light asked whether the creation of new wet meadows for waterfowl habitat would require a water storage right. Matt said DU has worked closely with the SEO to ensure they're within the current rules. DU projects won't expand beyond existing phreatophyte boundaries. And regarding storage, under existing rules, impoundment is not considered 'storage' if released within 72 hours. DU is keeping a close eye on any new rulemaking by the SEO to ensure they stay in compliance.

Matt's explained the DU programmatic goals include full development of irrigated wet meadow/hayland in all important waterfowl areas of North Park. The number of acres and locations to be targeted await the results of the modeling and feasibility studies proposed in this application. The goals include watershed-wide impact, development of increased partnership opportunities & increased leverage of funding sources. The application asks for \$20,000 from WSRA, which is stand-alone funding for the initial modeling, feasibility & project selection. Up to 10-15 projects will be identified, but narrowed to 4-5 projects. These selected projects will be the focus for a second WSRA application for the execution phase of the North Park Wet Meadows Program. DU plans to match with \$100,000 from NAWCA & \$200,000 from the DOW Wetlands Program.

Carl Trick expressed a concern that the outreach by DU be broad regarding potential sites. Matt replied that DU had very strong intent to do so. Kent asked whether there was any intent to do the WSRA funded study (if funding approved by CWCB) on Federal land. Matt said no. Matt replied to a question by Carl that there would be landowner contributions required in the construction phase. Kent inquired whether the Independence Ditch project to move water from S Fork Big Creek to the Lake Creek sub-basin was included in DU's potential projects. Matt said it was on the potential list, but no selection could be made until the study was completed. Kent reminded Matt of a question from last month's discussion: Why doesn't DU go out to their membership to raise the money for this study. Matt replied that DU has no 'seed' money to do the study (or the construction) in NP that is being proposed to NPBRT & CWCB for funding. If DU did have such discretionary funds, DU would use it for this study because NP is very important to DU.

Discussion moved to the WSRA "Wet Meadows-Phase 1" application itself. See p16 and beyond for lists the tasks and deliverables. The scope is limited to Jackson County, and does not include the slice of North Platte Basin in Larimer County. The modeling will involve overlapping existing data layers to explore site opportunities. DU will identify areas where ducks could stage or breed if we can get water to the land to convert currently dry lands. Barbara asked whether the CNHP wetlands study recently completed in the North Platte Basin will be of help to DU. Matt replied that it will be helpful, and that DU uses their work all the time.

Carl asked how Matt sees involvement of the RT in the Phase 1 project. Matt would like to involve the RT for feedback and for help with outreach during the project. Matt agreed to include this in the language of the application. Mark Dunning asked whether there would be a go/no go decision on projects based on whether existing wetlands would be dried up. Matt committed to involve all stakeholders and said that DU would not be party to drying up existing fens. The challenge on the potential Independence Ditch project is how to balance WY versus DU duck habitat. DU works regionally, with Matt Reddy and Greg Kernohan responsible for both states. DU will include an analysis of this tradeoff, but noted that relationships between flow and nest success is not well defined. However, nothing DU can do will change already adjudicated water rights. Mike Alpe asked whether the Platte decree involves the S fork of Big Creek. Kent explained that it's included in the North Platte decree in general as a water source for the Equitable Apportionment Decree. Carl commented that the S Fork of Big Creek is not addressed specifically, as there are no delivery requirements across the state line to Wyoming. Erin Light expressed concern on two areas: expansion of water use & potential injury to existing water right holders. Downstream water users might be injured by expansion of use. Ty Wattenberg asked about water collection (i.e., storage in ponds). If it's used for a different purpose than defined in the original water right, may need to file with water court. Ty asked who would hold any new water rights that might be required by any of the projects; Matt replied – the landowner. The study of potential projects will focus on existing water rights. If new water rights are needed, it expands the scope of work and cost, and will be avoided if possible. Erin commented on regulations regarding storage: if the water is moved through the impoundment in ≤ 72 hours, and is $\leq 18''$ deep, the SEO does not consider it storage. The Decree only addresses irrigation (but not habitat or species-related) storage if it covers >2.5 acres and/or holds >100 af.

Carl ended the discussion with praise for Matt's rewrite, which broke the application into a Phase 1 (study/feasibility/site selection) to be voted on at the March meeting, and Phase 2 (construction).

The updated version of DU's application with changes requested by CWCB Staff and the NPBRT is being sent electronically with the meeting minutes and will be the version to go forward to CWCB if approved by NPBRT in March.

IV. Carl Trick - Update on transducer data and acceptance of North Platte Basin water availability study modeling scenario completed by Leonard Rice Engineering

The Governor spoke to IBCC at the Water Congress. He will not be running again, but wants IBCC to deliver a completed plan to the State by EOY, to include both consumptive and non-consumptive needs assessment.

The House Appropriations Committee met yesterday and is considering taking the \$19.7M from the CWCB construction fund. If this is done, there will be no funding for non-reimbursable watershed construction projects. This proposal needs to get through both the house and Senate. If approved, it doesn't affect WSRA and leaves the operating funds for IBCC and CWCB intact. Carl passed around a letter from the Arkansas Basin RT lobbying to leave the Construction Fund alone. It was agreed that the NPBRT would send a similar letter. (Before these minutes were written, this proposal was killed- leaving the \$\$ in the construction fund.)

Carl reported on a side meeting he had with Linda Bassi and Roy Smith of the BLM regarding the transducer data taken over the last year on reaches in North Park that have been proposed

for ISF, including the S Fork Big Creek, Wheeler Creek and the N Fork of N Platte. Roy Smith reported he wasn't yet ready to release the data for use. On the N Fork of North Platte, a beaver dam interfered with the readings. Measurements will continue to be made in 2010 and will be released for use in the DSS modeling and for ISF consideration when satisfactory. In response to comments that BLM is unhappy with the DSS modeling, Roy Smith talked to Erin Wilson and clarified that this rumor is inaccurate. Erin told Roy that more stream gauges are needed to make the model more accurate. But the SEO doesn't have the budget to do this additional work.

V. All- Comments from RT members on CNHP's North Platte Basin Wetlands

Inventory report

The final report for the WSRA-funded wetlands inventory in North Platte Basin (*Identification and Assessment of Important Wetlands within the North Platte Watershed*) was presented by Denise Culver of CNHP at our January meeting. Several members of the RT had comments/concerns about some of the content of the report and this was an opportunity to gather that feedback. In the language of the application for WSRA funding for this project, there was no NPBRT review stipulated before publication. The comments/concerns will be relayed to CNHP for review and response.

The primary source of concern (expressed by Jimmer Baller & Ty Wattenberg) was the designation of Proposed Conservation Areas (PCAs) that encompass portions of three types of properties:

- 1) private lands, owners of which allowed CNHP access to their property for the study
- 2) private lands, owners of which did NOT allow CNHP access to their property for the study
- 3) public lands

The NPBRT and local landowners did not realize that CNHP would be defining PCAs. In particular, private landowners in group 2 above were very uncomfortable with inclusion of parts of their property within the boundaries of the PCA.

Deb Heeney expressed concern about comments in the sections entitled "Management Urgency Rank Comments", an example of which can be seen on p.130 of the report. Some of the comments can be construed as criticism of local land management. Jimmer Baller asked Mike Alpe whether he had data from exclosures that would speak to the relative extent of browsing by elk & moose versus cattle on willows. Mike said he didn't have data yet from exclosures that had been built on FS property.

Rick Wyatt had several specific questions of fact and/or opinion. They included the following: p.17- historic trapping of river otter (reference?); p.24-icefields...where do they exist in NP?; p.36, closing date of fluorspar mine (cited '59, but not closed till '73 or '74); p.57, error in irrigated acreage?; p.65-reference for comment on 'viable otter population in NP'.

Kent questioned the reference on p.33 to 'amphibian loss caused by exotic fish, bullfrogs'. What exotic fish? No bullfrogs in NP.

Kay expressed concern in general about CNHP comments on grazing management.

Mike Alpe commented that he hoped these concerns could be addressed successfully, as it's important to keep a good relationship with CNHP.

VI. Barbara Vasquez – Feedback from NCNA Phase II Meeting, Silverthorne, Feb 10

Barbara reported that the workshop requested that each basin provide a catalog of all studies/methods/studies in the watershed (completed, underway, planned) that preserve/conserves/enhance non-consumptive needs (separately or in conjunction with consumptive needs). The task includes listing location/reach with associated attribute and type of undertaking. Since Barbara was the only NP representative present, she brought the task back to involve other stakeholders. The task will be the primary focus of the March 9 NPBRT-NCNA meeting.

VII. New Business-

Kent entertained a motion to send a letter like that from the Arkansas Basin to our legislators to lobby against the House Appropriation Committee's proposal to drain the Construction Fund. Rick Wyatt made the motion, Barbara Vasquez seconded it and it was unanimously passed.

VIII. Set Next Meeting: Mar 9, (3-5PM, FS Conference Room). The March meeting was set for Mar. 9 to meet the timeline required for the DU application "Irrigated Meadows Conservation Program" to be considered at the May meeting of the CWCB "for WSRA funding.

It was proposed by Barbara Vasquez that John Sanderson present on the Watershed Flow Evaluation Tool. Barbara already has agreement from John to present at our March meeting. Carl Trick commented that we need to address NCNA quantification one way or another. The WFET may be most useful in the more pristine basins, like the North Platte. We're going to have to choose a tool, so it would be wise to listen to this presentation. John Sanderson has been involved in the development of the tool since the outset.