

Exhibit A
A Way Forward: The Dolores River Below McPhee Reservoir
Version 5 (revised): 9/27/11

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I. Background on the Work Plan:

A great deal of momentum has developed since March of 2010 to set the stage for moving work on the Dolores River below McPhee Reservoir forward. These developments included, but are not limited to the following:

1. On March 8, 2010 the Lower Dolores Working Group came to consensus to pursue federal legislation as an alternative to Wild and Scenic suitability on the Lower Dolores River. A broad based nine member Legislative Subcommittee was appointed which has met 14 times to craft a set of legislative components as of August 3, 2010.
2. The following events came together in July of 2010:
 - A. The Final Report from the Lower Dolores Working Group was completed which included management recommendations to the Dolores Public Lands Office for use in conducting an E.A. on the update of the Lower Dolores Corridor Management Plan. The report also included the most recent draft of the Legislative Components developed by the Legislative Subcommittee, to address alternatives to Wild and Scenic Suitability. Updates of the legislative draft will be provided to the BLM on an ongoing basis.
 - B. A report to CWCB on “Baseline Field Investigations, Science-Based Opportunities and Potential Tools for Improvement of the Downstream Environment on the Lower Dolores River” was published on the DRD website. Among many subjects, the Report addressed opportunities for improvement of the status of Native Fish on the Lower Dolores River.
 - C. The CDOW continues work on finalizing a status report on Native Fish in the Lower Dolores. The release of this report is expected in the near future.
 - D. The Legislative Subcommittee concluded, that with most of the components of the legislative proposal agreed to, the few unresolved issues surrounding flows and fish could best be resolved by bringing key issues concerning the fishery into focus. (Please see Appendix A for a complete list of agreed-to components and the few unresolved issues). The following considerations played into this strategy:

- There is a strong consensus that a greater priority needs to be put on the Native Fish in considering future spill and fish pool management. An initial attempt to prioritize Native Fish through the legislation met with opposition from interests uncertain about the impact of changes in management. The Subcommittee decided that a more flexible and participatory approach should be taken to formulating strategies to support Native populations.
- There is a body of information from the DRD field science and hydrology work as well as the anticipated CDOW report, which will be useful in framing a collaborative strategy for addressing the needs of the Natives. Existing information will be evaluated by a science panel and meshed with available hydrology and institutional considerations to help map “A Way Forward”.
- The Legislative Subcommittee decided to craft a process to identify the needs of Native Fish, and then to put those needs into the context of hydrologic and Project constraints. Once the DRAFT of the process has been developed, feedback on the process will be sought from the DRD Steering Committee. The Legislative Subcommittee will then incorporate the Steering Committee’s feedback and finalize A Way Forward.
- A Way Forward is intended to provide a foundation for closing the loop on the remaining issues to be resolved in the water component of the legislative draft.
- A Way Forward would also guide future field work, and promote implementation of doable opportunities for attempting to improve the status of Native Fish.

II. Process for A Way Forward

Given the time period in which to establish the status of Native Fish and their populations, detail their needs, and recommend the best management options available to support Natives, we need to establish a process and work plan that provides significant support and direction from a panel of Dolores River water user and fish biologist experts to guide a 2-3 person team of scientific contractors to perform work.

There will be three entities working to identify how best to protect Native Fish, and identify the best management options available given Project and hydrologic constraints.

1. The Legislative Subcommittee of the Lower Dolores Working Group – responsible for guiding the study and its outcomes to completion.
2. Scientific and Water User Oversight Panel - responsible for identifying the body of science that needs to be evaluated to determine Native Fish status and make management recommendations for how best to support Native Fish within available water supplies. Also responsible for hiring science

contractors with the Legislative Subcommittee, and serving as a resource for the science contractors.

3. Science Contractors – responsible for completing the review of science outlined by the Scientific and Water User Oversight Panel, identifying management priorities to consider, and finally working with the Scientific and Water User Oversight Panel and the Legislative Subcommittee to identify doable management actions to support Native Fish.

These three entities' roles have been detailed below and a schedule of deadlines follows at the end of the document.

1. Legislative Subcommittee— responsibilities include:

- Establish scientific objectives, process, and benchmarks tied to timeline
- Design an RFP and hiring process to select the science contractors
- Select Scientific and Water User Oversight Panel, confirm participants willingness and ability to participate, establish and secure budget for contractors, act as fiscal agent, monitor budget and funds
- Provide oversight of panel to ensure that objectives are met and completed within a reasonable time frame (the original goal was six months and as of 12/13/10, the completion date for A Way Forward has been adjusted to 8/31/12)
- Present the process and objectives to the DRD Steering Committee for feedback
- Create and supervise a scientific process that is trusted by our diverse constituents
- Evaluate the DRAFT of management priorities from the science contractors to affirm or question their findings

2. Scientific and Water User Oversight Panel – responsibilities include:

- Identify the body of scientific work that science contractors will use in order to determine the status and needs of Native Fish. This will include both published and unpublished reports, as well as human resources in and outside of the Dolores Basin. This body of evidence needs to be agreed upon by the Scientific and Water User Oversight Panel, a multi-stakeholder group, to help initiate a scientific product that garners wide-spread trust.
- Further develop the steps that science contractors need to take to first establish the status and needs of the Native Fish, and next, to identify which current management opportunities provide the most benefit to Native Fish. This will require honing the initial questions set forth by the Legislative Subcommittee into

key questions that will lead to an array of management options that benefit Native Fish.

- Adaptive Management – Identify indicators and methods for evaluating management actions for success and failure that will inform future actions and allow for flexibility in management going forward.
- Once the science contractors have established status and needs of Native Fish, the panel will provide guidance to the science contractors regarding the hydrologic and Project constraints in order to inform the contractors of the existing opportunities. This will allow the contractors to generate a list of prioritized management opportunities. The viability and doability of these opportunities will be explored through an interactive process involving the ecological input from the contractors and the hydrologic and institutional constraints that will be fleshed out by the Scientific and Water User Oversight Panel. Viable and doable priorities will either be included in the legislative outline, or be considered independently by the DRD, the Bureau of Reclamation, CDOW or other entities.
- Organize and participate in two meetings with the science contractors, one as a part of Step 1 and one as a part of Step 2 as outlined below.

Scientific and Water User Oversight Panel Composition

Panel Coordinators and Members	Mike Preston, Dolores Water Conservancy District; Peter Mueller, The Nature Conservancy
Colorado Division of Wildlife	David Graf, Hydrologist and Jim White, Aquatic Biologist
Bureau of Reclamation	Ed Warner or Vern Harrell
USGS (Interior's source of science)	Jim Bruce, Biologist
Dolores River Dialogue Hydrology Committee	Ken Curtis, DWCD and Shauna Jensen, Dolores Public Lands Office (USFS/BLM)
Upper Colorado Recovery Program, or NGO Aquatic Biologist	John S. Sanderson, Ph.D. The Nature Conservancy
Colorado Division of Water Resources	Rege Leach, Division 7, Division Engineer

<p>All members of the Legislative Subcommittee will evaluate the overall scope of work and will appoint a committee to hire the science contractors. The Legislative Subcommittee includes: Mike Preston, Peter Mueller, Gerald Koppenhafer, Ernie Williams, Rick Gersch, Amber Kelly, Jeff Widen, Cole Crocker-Bedford, Kevin Mc Comb or Randy Carver (shared role, MVIC), Al Heaton and Steve Beverlin (ex officio).</p>	
<p>The Colorado Water Conservation Board and the Colorado Division of Natural Resources are stakeholders in this project. The CWCB and CDNR have seats on the Lower Dolores Plan Working Group and will be briefed monthly on <i>A Way Forward's</i> progress through conference calls and/or in-person meetings with staff.</p>	

3. Scientific and Water User Oversight Panel and Legislative Subcommittee – Will hire 2 fishery biologists who are experts in their field and have significant knowledge of the 3 Native Fish and the dynamics of their status and potential recovery. They may also choose to hire an ecologist/biologist who has significant experience and knowledge of the Dolores River's ecology, Project operations, and the DRD's history to enact management changes that will benefit downstream ecology. The scientists need to have demonstrated ability to work both independently and as a team.

Expertise needed:

- Aquatic biologist with expertise with native, warm water fish
- Native Fish recovery expertise
- Ecologist with detailed knowledge of Dolores River ecology, Project history and constraints, and knowledge of DRD's historic effort to improve management of the Dolores River for ecological benefits

First Step of Science Contractors: Review body of evidence established by the Scientific and Water User Oversight Panel and individually respond to key questions.

- What is the current status and trend of each species of Native Fish?
 - Roundtail Chub, specific to reaches 1 through 6
 - Bluehead Sucker, specific to reaches 1 through 6
 - Flannelmouth Sucker, specific to reaches 1 through 6
 - Require contractors to review current work including, but not limited to Big Gyp Report, CDOW White Paper, Chester Anderson Technical Memo, DRD Core Science Report, and other relevant data that will inform analysis
- How can the status of each Native Fish be improved?

- List the ways to improve the status of each species of Natives?
 - Spawning
 - Survival
- Put these in order according to the size of the benefit to each Native Fish (biggest bang for the buck). Determine the best strategies that should be targeted? This could (or is likely to be) a multi-pronged approach.
- Consideration of the following factors: available hydrology (base and peak flows); predation; water quality; and riparian health.
- To what extent do trout and the post dam management of water resources for trout represent a stress to Native Fish?

These responses will be returned to the Scientific and Water User Oversight Panel, reviewed for findings and discrepancies, and then returned to the contractors to have differences resolved collaboratively. Then, the contractors will draft a final report on status and needs based on the Panel's feedback regarding findings and discrepancies and present these to the Scientific and Water User Oversight Panel in accordance with Steps 2 and 3 below.

Second Step for Science Contractors – Identifying Doable Opportunities: The science contractors will meet with the Scientific and Water User Oversight Panel and the Legislative Subcommittee to evaluate how the list of biologically based opportunities/priorities are viable/doable or not. Opportunities and constraints will be discussed along several fronts including, but not limited to the following:

- Spill management
- Fish pool management at different levels: shared shortage, 31,798AF (current), with up to 6,000AF additional within available hydrology
- Reduced predation and/or competition from non-Native Fish
- Water quality
- Riparian ecology
- Identification of Dolores River reaches where improvement opportunities are most desirable and most feasible

Outcome – The meeting between the Scientific and Water User Oversight Panel and the science contractors will generate guidelines/constraints for each of the priority opportunities in order to inform the science contractors' recommendations of what management opportunities should be pursued to benefit Native Fish.

Third Step for Science Contractors: Return from interactive dialogue with Scientific and Water User Oversight Panel and the Legislative Subcommittee concerning Project and hydrologic constraints, and then synthesize the best management opportunities for improving status of Native Fish within constraints. This report will be done collaboratively between the 2-3 scientists and include an array of management options that may be classified in a number of different ways. For instance:

- Immediate management changes in the near term (0-6 months), within a year, or multiple year objectives
- Options with low, moderate or expensive costs/implications
- Accessibility to more challenging options
- Delineate which opportunities can/will be included in legislation or what other method should be considered to implement other opportunities (such as through the Dolores River Dialogue, independently or other)

Outcome: Science contractors will generate a list of prioritized management opportunities that are viable/doable. These priorities will either be included in the legislation outline, or considered independently by the DRD, the Bureau of Reclamation, CDOW or other entities.

III. Presentation of Findings – The science contractors will first present their report to the Scientific and Water User Oversight Panel and Legislative Subcommittee, then later to the full DRD and Lower Dolores Working Group.

The contractors will receive and note feedback from these entities and a final report will then be published and posted on the DRD web site as, “A Way Forward, Management Opportunities to Benefit Native Fish on the Dolores River.”

IV. Schedule for A Way Forward *(schedule may be adjusted as necessary)*

See next page...

V. Budget – \$90,000 total including \$70,000 to hire three scientists to perform given work within the time frame, and \$20,000 for project management and fiscal agent assistance; meeting recording; clerical/administrative; facilitation; and outreach. An initial list of funding sources includes:

Confirmed:

- ✓ Conservation community – \$30,000
- ✓ Southwest Water Conservancy District – \$15,000
- ✓ Southwest Roundtable (CWCB) – \$25,000
- ✓ DWCD -- \$3,500

Pending:

- ✓ \$1,000, Dolores County
- ✓ \$1,000, San Miguel County
- ✓ \$2,000 - \$3,000, Montezuma County
- ✓ \$1,000, The Wilderness Society
- ✓ \$3,500, MVIC
- ✓ \$4,500, Dolores Public Land Office
- ✓ \$3,500, The Nature Conservancy

The budget/work process for contractors will be broken into two phases. First, contractors will evaluate the status and needs of Native Fish. This will be done independently with the given resources and scientific body of work identified by the Scientific and Water User Oversight Panel (approximately 40% of science contractor budget). The second phase done by the contractors will be done collaboratively and require significant interaction and consultation with project personnel, water users, and other local sources (approximately 60% of science contractor budget).

VI. Managing and Supporting the Work Plan

1. The Legislative Subcommittee will present the Work Plan to the DRD Steering Committee to gain feedback on how objectives, process and oversight could be

improved. The DRD Proposal Evaluation List should be used to ensure that all considerations are detailed.

2. Determine a way to assure that if this process is followed that the outcomes will be accepted and used to guide future decision-making processes.
3. A protocol will be developed for selecting the science contractors. The selection of science contractors will be done via a process designed by the Legislative Subcommittee.
4. A budget will be developed, and funds will be pursued, to support the work of the panel. Potential sources of funding include, but are not limited to: Southwest Basin Roundtable, Southwestern Water Conservation District, Conservation Organizations, CWCB, and other DRD Stakeholders.
5. The science contractors will review relevant literature and available data, taking into account feedback from the DRD Hydrology Committee, and frame opportunities for improvement of the status of Native Fish.
6. An initial set of doable alternatives will be framed for presentation to the Legislative Subcommittee and the Scientific and Water User Oversight Panel.
7. A meeting will be called of the Lower Dolores Working Group and the DRD to review the findings of the collaborative process between the science contractors and the two oversight entities: Legislative Subcommittee and the Scientific and Water User Oversight Panel.
8. Outreach will be facilitated by the Legislative Subcommittee and the DRD Steering Committee to assess institutional constraints and available resources relevant to opportunities for improvement of the status of Native Fish.
9. A final draft of legislative components will be completed, reviewed at the joint meeting of the full DRD and Lower Dolores Working Group, and forwarded to the congressional delegation for legislative drafting.
10. A determination will be made concerning what issues will be addressed in the legislation, and what issues will be pursued through the DRD process or by other means.

VII. Moving Forward: Beyond the Work Plan

1. It is anticipated that once the legislation is introduced, it will take, at a minimum, all of 2011 and 2012 to work through the legislative process. Insight gained from pursuing other actions that come out of A Way Forward can be integrated with legislation as appropriate, and the legislation will be monitored for consistency with legislative principles driving the legislation. All stakeholders will be kept informed as the legislative process unfolds.
2. The update of the Corridor Management Plan and EA, by the Dolores Public Lands Office, will be ongoing during 2011 and possibly 2012, and may derive valuable information from the implementation of the Six Month Work Plan.

3. Some doable opportunities that come out of the Six Month Work Plan can be implemented as the opportunities present themselves (e.g. criteria established for periodic spawning flows during the spill could be implemented in a big runoff year).
4. Other doable opportunities will require more in the way of institutional analysis and/or action (e.g. an E.A. for a change in management, plans for scheduling and conducting fish surveys, mechanisms for accessing experimental fish water, implementing the SLOWs experiment, etc.).
5. If passage of the legislation (2+ years out), appointment of an Advisory Committee (3+ years out), and development of a Management Plan (5+ years out) are successful, the prior work, learning and consensus building that has occurred in addressing doable opportunities for improving the status of Native Fish can be plugged into the Management Planning process called for in the legislation.

Approved by the Legislative Subcommittee

- ✓ Cole Crocker-Bedford (private landowner in the Lower Dolores area)
- ✓ Amber Kelley (San Juan Citizens Alliance)
- ✓ Rick Gersch (Town of Dove Creek and oil/gas/minerals)
- ✓ Al Heaton (private landowner)
- ✓ Gerald Koppenhafer (Montezuma County Commissioner)
- ✓ Peter Mueller (The Nature Conservancy)
- ✓ Mike Preston (Dolores Water Conservancy District, manager)
- ✓ Kevin McComb or Randy Carver (Montezuma Valley Irrigation Company, manager)
- ✓ Jeff Widen (The Wilderness Society)
- ✓ Ernie Williams (Dolores County Commissioner)
- ✓ Steve Beverlin of the Dolores Public Lands Office (USFS/BLM) (ex-officio capacity)

Appendix A: Water components excerpted from July 19, 2010 version of Legislative Subcommittee's Legislative Components – Working Document

- The subcommittee has reached agreement on the following water related bullets. However, since all components of the water section will need to hang together as a whole, the subcommittee would like to hold off on overall decision-making about the water section until it has completed an inquiry on Native Fish (see below for a discussion on the inquiry).
 - Legislation is subject to valid existing rights and Colorado water law.
 - There will be no further consideration of the Dolores River and tributaries within the designated area boundary under the Wild and Scenic Rivers Act (effectively eliminates Wild and Scenic eligibility/suitability).
 - No federal reserved or appropriative water rights expressed or implied will be established as part of the legislation.
 - State adjudicated water rights will not be violated. Water rights and water rights holders will not be injured by this legislation.
 - Nothing in this legislation will prevent currently decreed water rights from being put to beneficial use now or in the future.
 - Nothing in the legislation will preclude access to valid existing water diversion, storage and management facilities established under state decrees or pursuant to USBR laws and contracts.
 - McPhee Reservoir will be operated in conformance with Reclamation Law, Dolores Project contracts, and authorized Project purposes as amended over time.
 - There would be a prohibition on new dams in the designated area (clarification: this is meant to encompass large water facilities like storage facilities and hydroelectric facilities, but not to include things like small diversion dams or stock ponds).
 - No power lines or pipelines would be allowed in river segments that were found suitable for wild river designation (Ponderosa Gorge, Dolores River Canyon WSA). Power lines and pipelines should never travel along the river corridor, subject to valid existing rights being protected.
 - There shall be language directing the Secretaries to protect and enhance all of the ORVs (scenery, rafting, archaeology, geology, native fish, ecology), to the extent practicable and feasible without adversely affecting private property rights or Dolores Project contracts.
 - Water managers are encouraged to use available tools to improve forecasting.
 - The legislation shall authorize funds to improve water forecasting.
- The following points represent concepts that the subcommittee has been grappling with but has not yet reached consensus on.
 - How should the legislation deal with future proposed projects that would impact ORVs, both on the river segments being discussed as part of the legislation as well as on upstream segments or tributaries?
 - How do we establish a generally agreed upon and transparent scientific foundation upon which sound management decisions can be made?
 - How should leasing of available water be addressed in the legislation?
 - What kinds of assurances could there be regarding the Native Fish?

Budget Summary

Task	Labor	Outside Professional Services	Other Direct Costs	WSRA Grant	Match	Total
Task 1 Legislative Committee		\$0.00	\$609.00	\$189.00	\$420.00	\$609.00
Task 1.1 Facilitator / Coordinator (12 meetings X 8 hours/meeting x \$55/ hour)	\$0	\$5,280	#REF!	\$1,650.00	\$3,630	#REF!
Task 1.2 Meeting Recorder (12 meetings x 8 hours/meeting x \$35 / hour)	\$0	\$3,360	#REF!	\$1,050.00	\$2,310	#REF!
Task 1.3 Clerical/Coordination (12 meetings x 2 hours/meeting x \$25/hour)	\$0	\$600	\$0	\$188.00	\$413	\$600
Task 2 Scientific and Water Panel	\$0	\$0	\$329	\$102.00	\$217	\$329
Task 2.1 Facilitator/Coordinator (6 meetings X 8 hours/meeting X \$55/hour)	\$0	\$2,640	\$0	\$825.00	\$1,815	\$2,640
Task 2.2 Meeting Recorder (6 meetings x 8 hours/ meeting x \$35/hour)	\$0	\$1,680	\$0	\$525.00	\$1,155	\$1,680
Task 2.3 Clerical/Coordination (6 meetings x 2 hours/meeting x \$25/hour)	\$0	\$300	\$0	\$95.00	\$205	\$300
Task 3 Science Contractors	\$0	\$0	\$2,643	\$819.00	\$1,824	\$2,643
Task 3.1 Scientist at \$22,00 - Team Lead	\$0	\$22,500	\$0	\$7,031.00	\$15,469	\$22,500
Task 3.2 Two Scientists at \$17,500 each	\$0	\$35,000	\$0	\$10,937.00	\$24,063	\$35,000
Task 3.3 Meetings with Scientists and others						
Task 3.3.1 Facilitator/Coordinator (2 meetings x 8 hours/meeting x \$55/hour)	\$0	\$880	\$0	\$275.00	\$605	\$880
Task 3.3.2 Meeting Recorder (2 meetings x 8 hours/meeting x \$35/hour)	\$0	\$560	\$0	\$175.00	\$385	\$560
Task 3.3.3 Clerical/Coordination (2 meeting x 2 hours/meeting x \$25/hour)	\$0	\$100	\$0	\$40.00	\$60	\$100
Task 4 Final Report	\$0	\$0	\$100	\$31.00	\$69	\$100
Task 4.1 Facilitator/Coordinator (meetings with Panel, DRD and Leg. Comm (4 meetings))	\$0	\$2,319	\$0	\$725.00	\$1,594	\$2,319
Task 4.2 Report Writing (20 hours x \$55/hour)	\$0	\$1,100	\$0	\$343.00	\$757	\$1,100
Total	\$0	\$76,319	#REF!	\$25,000.00	\$54,991	#REF!