

Flaming Gorge Task Force Preliminary Meeting
June 29, 2011
Meeting Summary

Participants

Dan Birch	Ken Neubecker	Bruce Whitehead
Alex Davis	Peter Nichols	Eric Wilkinson
Jennifer Gimbel	Mark Pifher	Jim Yahn
Rod Kuharich	Travis Smith	
Kevin McBride	Kai Turner	

Introduction

Facilitators Heather Bergman (Peak Facilitation) and Mike Hughes (The Keystone Center) opened the meeting with a brief summary of the task force and meeting purpose. Notable comments include:

- This meeting is the final step of the Flaming Gorge Task Force Situation Assessment, which was funded by a Water Supply Reserve Account grant initiated by the Arkansas and Metro Roundtables.
- The purpose of this meeting is to address whether and if a stakeholder dialogue to explore a possible Flaming Gorge water supply project is viable and, if so, determine how that process should proceed.
- Participants in today's meeting are free to:
 - Accept the process recommendations outlined in the Assessment Report
 - Agree to take a different approach to a stakeholder dialogue on Flaming Gorge
 - Agree that a stakeholder dialogue is not viable or appropriate at this time
- This meeting will not include a substantive discussion regarding the specifics of a Flaming Gorge project.
- All participants in today's meeting were selected from nominations submitted by individuals, entities, and basin roundtables in Colorado.

Participants' Objectives

- Listen and learn; hear what people are thinking on this topic—concerns, interests, etc.
- Address preliminary issues
- Explain personal, basin, organization, etc. points of view and perspectives
- Reevaluate the recommended stakeholder process
- Address concerns, specifically regarding this process in relation to House Bill 1177
- Address potential adverse effects that a large project could have on a basin and the state's way of life
- Engage in a conversation that has the potential to address and maybe solve some of the storage and water issues that have long been discussed
- Address concerns openly without pressure from project proponents
- Discuss the effects of a potential project on current projects and the potential for future projects, specifically relating to agriculture
- Engage in an important opportunity to talk about a specific potential project
- Share basin concerns and interests
- Evaluate if the right questions are being asked, if the right process is designed, and if the right participants are engaged in this process
- Address what can be done to help alleviate some of the concerns regarding this project
- Address an issue that is not going to go away; it is better to be engaged and discuss this issue than to walk away
- Address the need for statewide problem solving

Summary of the Flaming Gorge Task Force Situation Assessment

Assessment Goal/Purpose

- Talk to stakeholders and determine if a stakeholder dialogue is viable

Assessment Process

- Funding: WSRA grants through the Arkansas Basin and Metro Roundtables
- Leadership: 5-person Executive Committee, directing our assessment/interview process, representing the Arkansas, Metro, Colorado, and Yampa/White/Green Roundtables and the Colorado Water Institute at Colorado State University
- Respondents: 48 phone interviews and 32 online survey responses

Outcome

- Most respondents supported having a dialogue, but many outlined contingencies to that dialogue.
- The recommendations provided in the report attempt to address as many of the contingencies provided as possible; however, a number of the suggestions, concerns, and views expressed were contradictory.
- Opinions varied widely regarding the appropriate role of the State, the Interbasin Compact Committee (IBCC), and Colorado Water Conservation Board (CWCB).
- A majority of respondents wanted to be at the table.
- Most respondents wanted State and federal regulatory agencies in the room but not at the table.
- Opinions varied about whether a stakeholder process should seek agreement or just explore issues/ideas.
- Most respondents also think there is merit in stakeholders discussing Yampa Pumpback and Blue Mesa.

Recommendations

- A free-standing stakeholder dialogue
- Neutral, professional facilitation of the dialogue
- 17 individuals to populate the group
- Seek CWCB endorsement and Board member participation
- Regulatory agencies, project proponents, and others participate as “resources” but not at the table
- Three-stage process, with decision to proceed or not at the end of each stage

Overview: Recommended Phases

In the Flaming Gorge Task Force Situation Assessment Report, three process phases were recommended as a path for exploring a possible Flaming Gorge water supply project through a consensus-based stakeholder process. The recommended phases for a Flaming Gorge stakeholder process include:

Phase 1: Interest and Issue Identification

- Identify interests at play in a discussion about a possible Flaming Gorge project
- Seek to identify and agree on the issues or questions emerging from the list of interests
- Seek to identify which issues can/will be addressed during the stakeholder process and categorize these issues into the two following categories:
 - Threshold issues (explore in Phase 2)
 - Design/mitigation issues (explore in Phase 3)
- Determine whether to proceed to Phase 2

Phase 2: Threshold Issues

Threshold questions would include questions of legality, hydrology, and financing that could potentially pose insurmountable barriers to a Flaming Gorge project.

- Explore identified threshold issues (potentially involving assistance from experts and/or panels)
- Seek agreement on a summary of the answers to the threshold questions and/or an agreement on the range of views regarding unresolved threshold issues
- Determine whether to proceed to Phase 3

Phase 3: Design and Mitigation

- Explore the design options for a Flaming Gorge project and discuss options for maximizing benefits and minimizing and mitigating impacts, which could also involve the following:
 - Presentations from the two project proponents,
 - Presentations from stakeholder groups about concerns and potential negative impacts and a discussion of ways to mitigate impact and/or create new benefits, and/or
 - Presentations about other major water supply projects for the purpose of comparing expected potential benefits and impacts.
- Seek agreement about the potential benefits and potential impacts of a Flaming Gorge project and work to develop a list of necessary or preferred criteria, characteristics, or components *if* a project is built. This list would be developed into the final work product of the stakeholder process.

NOTE: The stakeholder process should not ask stakeholders to take a position or seek agreement on whether a Flaming Gorge project should be built or which such project should be built.

Overview: Recommended Task Force Seats

- Four representatives from potential water-receiving project beneficiaries from geographically diverse areas from the Front Range
- Two representatives from the Yampa/White/Green Basin.
- Two representatives from the environmental community (Front Range & West Slope)
- One representative from the recreational community.
- One representative from the Colorado River Water Conservation District.
- Two representatives from the ranching/farming community (Front Range & West Slope).
- Two representatives from other basins or roundtables.
- One representative from the Colorado Water Conservation Board staff.
- One representative from the Colorado Department of Natural Resources.
- The Governor's Advisor on Water Policy / Director of Compact Negotiations (or his designee).

Perspectives: Whether/How the Task Force Should Proceed

The task group was asked to share their perspectives regarding whether and how the task group process should or should not move forward. Highlights from this discussion include:

General/Overarching Comments

- There was concern regarding the appointment process of the task force and that if all interests were represented at the table in order to ensure a fair and inclusive dialogue.
- There are different entities around the state with varying perspectives regarding the potential for a Flaming Gorge project and the general concept of water project development.
- There is concern that developing this task group equates to a push/support for trans-mountain diversions.
- It is difficult to believe that people will come to the table and have a conversation without a preconceived notion or opinion regarding this project.
- There are many other different projects that potentially have more merit than Flaming Gorge and therefore should be discussed prior to this dialogue. It was noted that in the recommended Phase 3 of this project, the opportunity to discuss, assess, and compare other viable projects was included as a potential step.
- It would be valuable to discuss viable alternatives (projects and other modes) in order to fully assess the Flaming Gorge project.
- There is a need to have people who can address a diversity of needs, perspectives, and interests.
- In order for this conversation to be effective, it will need to focus on discussing this one project. The dialogue will become too big and cumbersome if all potential projects are discussed.
- It is important that this dialogue address the potential risk (within each basin and statewide) associated with a Flaming Gorge project.

- It may be valuable to address the perceptions, affiliations, previous decisions, etc. of those engaging on the task force and provide guidance as to how to manage individual preconceptions or preferences in order to ensure a productive and civil dialogue.
- It was suggested that this project be pursued as a “pilot program” that could be supported by the basin roundtables, the CWCB, and/or the IBCC, etc.
- There is concern that the recommended Phase 3 will require hiring consultants/experts to provide advice and information regarding the technical feasibility of a Flaming Gorge project.
- Addressing the Colorado River Compact will be a key issue.
- There may be more value in discussing the importance of developing a federal project that will solve the state’s water problems permanently, rather than discussing a project that offers short-term and limited solutions.
- It is important that both the East Slope and West Slope representatives realize that that the state’s water problems can only be solved with a united effort; collaboration is going to have to happen especially when project proponents are pushing projects forward.
- It is important to be a part of this dialogue; something is going to develop to bring water to Colorado’s Front Range (and other dry areas), and we should begin discussing the possibilities.
- It was suggested that renaming this project/task force could help mitigate some of the concern and misconceptions regarding what this dialogue seeks to do.
- In order to have a productive, efficient, and detailed conversation, it is important to manage the structure and size of the ongoing stakeholder group.
- It is important that the environmental community is included in this conversation.
- There was a broadly shared belief that it would be highly valuable to the process to have State representatives from CWCB, DNR, and possibly the Governor’s Advisor on Water Policy engaged in this dialogue.
- There was concern expressed regarding the inclusion of the Governor’s Advisor on Water Policy (and potentially other high-level state representatives) in this dialogue as it may facilitate misperceptions about state support and/or influence of the process.
- There was concern regarding geographic versus population-based representation on the stakeholder group.
- Funding is going to be a critical issue and could influence on if and how this dialogue moves forward. It was suggested that funding be sought from the Water Supply Reserve Account, which would require an application submission from a basin roundtable.
- It was suggested and discussed that the process going forward should use the facilitation team used for the Assessment process in order to streamline the transition and maintain continuity.

IBCC, House Bill 1177, and CWCB

- There was interest regarding why the IBCC was not recommended as the venue/organization to facilitate the dialogue. It was discussed that some interviewees had expressed concern that the IBCC was too busy to take on such a conversation, that some IBCC members do not support a dialogue on Flaming Gorge, and that some feel that the IBCC is not a fair and balanced venue for this discussion. Additional comments regarding the IBCC include:
 - It was suggested that the IBCC may be addressing issues at a higher level than this conversation needs.
 - It may be valuable for this dialogue/process to act under the auspices of the IBCC in order to gain credibility.
 - It was suggested that this dialogue could be taken on by the IBCC New Supply Subcommittee and/or the IPP Subcommittee with engagement from the basin roundtables and additional key stakeholders.
 - There was concern regarding the fact that interviewees expressed doubt regarding the role and ability of the IBCC to address this topic.
 - It was suggested that the IBCC was not an appropriate venue for this conversation due to the political nature and influence of the committee.
 - Regardless of whether this dialogue takes place within the structure of the IBCC, it will eventually reach the IBCC for consideration.

- Any committee of the IBCC must be open to all members of the IBCC. Concern was raised that the group could become too big with appointed participants and IBCC members participating at will. Some thought that this issue was not a barrier to a productive discussion and a way could be found to manage the size of the group.
- Having the dialogue under the auspices of the IBCC could facilitate funding, if the Director of the IBCC agrees that the dialogue should occur there and with existing funding. Additional funding could also be solicited to support this dialogue as additional work of the IBCC at the direction and discretion of the Director.
- There was concern that if this process was not undertaken somehow within the framework of HB1177, then the process would be set up to fail. Additional comments regarding 1177 include:
 - It may be more valuable to develop a process that could be guided by 1177 rules and bylaws.
 - It is important to take in to consideration that the 1177/IBCC-basin roundtable process has received a great deal of criticism and concern regarding it being too top-down.
 - A bottom-up process founded in the roundtables would garner more support for the dialogue.
- The group discussed the role of the IBCC and CWCB in the dialogue if it were not housed in the IBCC. Comments regarding this questions include:
 - CWCB engagement is critical to this conversation. A member of the Board needs to be a full member of the stakeholder group going forward as this is a conversation about a potential project with statewide impacts.
 - There is concern about the political attention and influence associated with inclusion of a CWCB (or other state) representative.
 - Gaining funding under the CWCB will help provide the project with greater legitimacy.

Basin Roundtables

- It was suggested that this process be reorganized as a roundtable-to-roundtable dialogue under 1177.
- It would be valuable to have this process be as inclusive as possible (i.e., include all basin roundtables, key stakeholders, etc.).
- It may be valuable to have the roundtables select who should be involved in the process.
- A basin roundtable-based process or having the basin roundtables select task group participants could help mitigate escalating concerns that this process is circumventing House Bill1177 and creating an exclusionary process.
- This process was initiated by the Metro Basin Roundtable and the Arkansas Basin roundtable; therefore, it seems a bottom-up process has already been developed and could essentially include the basin roundtables in whatever capacity the group determines.
- The basin roundtables should make the determination as to whether and how this dialogue moves forward.
- There was concern that the Arkansas Basin Roundtable was not represented in the group discussing the future of this effort, which was initiated by the Arkansas Basin Roundtable.
- There was concern that basin roundtables would have a dialogue about Flaming Gorge based only on basin perspectives.
- It was suggested that the roundtable-based process be used, but one that would include representatives from all the basin roundtables.
- It is important that no matter which approach is taken going forward to discuss a potential Flaming Gorge project the basin roundtables are well informed.
- If this becomes a basin roundtable process, it may be valuable to add non-roundtable environmental and recreational seats on the group to ensure adequate representation/engagement of these communities.

Suggested Alternative Processes

1. A roundtable-to-roundtable process (under 1177)
 - a. 2 representatives from the 3 Front Range Basin Roundtables
 - b. 2 representatives from the 4 West Slope Basin Roundtables
 - c. 1 representative from the Rio Grande and North Platte roundtables
 - d. Basin roundtables will nominate representatives
 - e. 2 seats (East and West Slope) for environmental community

- f. 2 seats (East and West Slope) for recreation community
 - g. Seek IBCC and CWCB members to fill some of the above seats, at the discretion of the basin roundtables
 - h. State representatives
 - i. CWCB (state to determine who holds the seat)
 - ii. DNR (state to determine who holds the seat)
 - iii. Governor's Advisory on Water Policy
 - i. Criteria for representatives will address ability to engage in the discussion with an open mind, separate from previously stated positions
 - j. Statewide funds will be requested through a Water Supply Reserve Account application initiated by the Metro Roundtable at their July 6 meeting
 - k. Request support (blessing) from IBCC, New Supply Subcommittee, IPP Subcommittee, CWCB
 - l. Request New Supply Subcommittee to make request of basin roundtables for nomination/formation of the committee/"pilot process"
 - m. Stages similar to those outlined as recommended in the Flaming Gorge Task Force Situation Assessment Report will be used
 - n. Group will be renamed
- 2. New Supply Subcommittee
 - a. Similar to the above in terms of seats allocated
 - b. The group would be initiated by the New Supply Subcommittee of the IBCC
- 3. Decision not to proceed with a stakeholder dialogue

Decision: Whether to Proceed

The group agreed that a stakeholder dialogue on Flaming Gorge should proceed but as part of a larger dialogue about project options for addressing the statewide water supply gap. They determined that the roundtable-to-roundtable approach was the most viable and likely to succeed, and that the Flaming Gorge discussion could serve as a test case or pilot project for exploring potential projects through a roundtable-based dialogue. It was also requested that those present who also sit on the IBCC's New Supply Subcommittee raise this issue with the Subcommittee and determine if the Subcommittee would be willing to support the effort and send a request to the basin roundtables to support it as well.

Note: Since the June 29 meeting and in response to feedback, the group agreed via email to add 2 additional seats to represent agriculture (one for the Front Range and one for the West Slope.)

Next Steps

- Rod Kuharich and Heather Bergman will draft the grant application and put it before the Metro Roundtable at their meeting on July 6.
 - The application will be reviewed by Gary Barber, Bruce Whitehead, Ken Neubecker, and Tom Gray (if he is interested in reviewing it).
- The Metro Roundtable will submit the application for funding for the Water Supply Reserve Account application.
- New Supply Subcommittee members will discuss whether and how the subcommittee will formally endorse the process and/or request the basin roundtable nominations/committee development.
- CWCB staff will add this topic to the following IBCC agendas:
 - July 19th basin roundtable Chair meeting
 - September IBCC and CWCB meeting