

**Interbasin Compact Committee Basin Roundtables
Rio Grande Interbasin Roundtable**

MINUTES

May 14, 2013 @ 2:00 – 5:00 P.M.

Attending: Lindsay George, Ron Brink, Nicole Langley, Charles Spielman, Stan Moyer, Charlotte Bobicki, Larry Sveum, Karla Shriver, Rio de la Vista, Bea Ferrigno, Heather Dutton, Mac McFarland, Hew Hallock, Dan Dallas, Jim Jaminet, Jim Pitts, Mike Blakeman, Marty Asplin, Steve Vandiver, Craig Cotten, Marvin Reynolds, Joseph Old Elk, Laura Archuleta, Trevor Klein, Matt Hildner, Robert Getz, Felix R. Lopez, Diana Cortez, Greg Higel, Brenda Felmlee, Peter Clark, Dwight Martin, Lawrence D. Gallegos, Dale Wiescamp, Tracy Miller, Rep. Edward Vigil, John Sanderson, Gene Farish, Margy Robertson, Mike Gibson

- **Introductions** – Chairman Mike Gibson welcomed all, with appreciation to Dan Dallas, Rio Grande National Forest Supervisor, and members of USFS staff for coming. Absent with notice given were Travis Smith and Cindy Medina. Diana Cortez attended and served for Eugene Jacquez.
- **Approval of Minutes of April 9, 2013** – Charlie Spielman moved to approve as written; Heather Dutton seconded; unanimous approval.
- **Administrative Matters** - Mike reported that he has sent letters to county, city, and other appointing agencies. Once those members are designated, the membership can vote to appoint the other representatives at a later meeting.
- **Report from Colorado Division of Water Resources, Division 3 Engineer Craig Cotten --**
Attached is the most recent 10 day report (May 6 to April 30). On the Rio Grande we're now at 295,000 or 45% of long term average. The delivery target on the Rio Grande is now set resulting in a zero to 4% curtailment needed to meet that target depending upon return flows.

The NRCS streamflow forecast on May 1 for the Rio Grande was 295,000 AF, dropping from the May forecast by 40,000 AF. The NRCS also decreased its forecast for the Conejos by 40,000 AF, down to 145,000, or 44% of the long term average, with a delivery obligation of 18,000 AF. These are huge drops. Delivery obligation on the Rio Grande to downstream states with this forecast would be 74,000 AF.

For both systems, the forecasted annual streamflows are the fourth lowest since records began over 100 years ago (behind 2002, 1977, and 1902). The Rio Grande is dry at the Los Sauces gauge. Based on NWS forecasts June, July and August precipitation will be lower and temperatures will remain higher. The current delivery obligation on the Conejos is zero. Considering what has been delivered already and what will be delivered after the irrigation season, the obligations will not be hard to make.

Steve Vandiver added a sobering note: when we say we're significantly below where we were in the last three years (2010 – 2012) we need to remember that those were below-average years.

The Supreme Court has not decided whether it will hear a lawsuit filed by Texas against New Mexico and Colorado, although Colorado has asked the court not to take the case. The lawsuit is mainly between Texas and New Mexico, but Colorado is included because it is a member of the Rio Grande Compact. The Court has asked federal agencies to weigh in, and the Bureau of Reclamation and US Corps of Engineers will be responding.

Craig just got news of a new lawsuit against Colorado, with the WildEarth Guardians filing intent to sue over the 2003 Biological Opinion for the silvery minnow and the southwestern willow flycatcher. They are claiming that Colorado is not following that Opinion. With little time to study this new information, Craig will have more on this at the next R'T meeting.

- **Update on Sub-District # 1 Issues, Steve Vandiver** – Steve referred members to several Valley Courier articles by Ruth Heide for an explanation of the replacement plan. He thanked Ruth for her excellent reporting. [A recent article gives a comprehensive review of the issues http://www.alamosanews.com/v2_news_articles.php?heading=0&story_id=29370&page=72]

The Rio Grande Water Conservation District's Annual Replacement Plan (ARP) for 2013 was submitted to Division # 3 Water Court on April 15 and was approved by the State Engineer on May 1, along with the Substitute Water Supply Plan. The purpose of the ARP is to satisfy the Court's requirements for the Plan Year from May 1, 2013 through April 30, 2014 under the provisions of the Plan of Water Management for the RGWCD's Subdistrict #1. The year starts on May 1, so the Plan is being implemented. The ARP is available online at <http://water.state.co.us/DivisionsOffices/Div3RioGrandeRiverBasin/Documents/April%2015%202013%20%20Plan.pdf>

The Subdistrict is trying to reduce the amount of pumping for this year and is contracting with irrigators to fallow 90 parcels, or more than 9,000 acres. People are encouraged to use no water, or very limited amounts of water, for groundcover and to leave the land idle for this year.

There have been some appeals on this year's pumping fees, with different issues raised such as bad meter readings, plumbing problems, and other issues. The deadline for submitting appeals is June 1. A special CREP (Conservation Reserve Enhancement Program) was approved for Subdistrict #1, and farmers who are interested should sign up through their FSA office. Steve made it clear that the Subdistrict is releasing water to the Rio Grande according to its 2013 Annual Replacement Plan that was approved by the State Engineer and which took effect on May 1. The Subdistrict has leased several thousand shares from Santa Maria Reservoir Company stockholders, and they have filed a change of water right to add augmentation to its decreed uses. There is some obligation to replace a small amount of return flows to keep the river whole. Santa Maria Reservoir has been a huge benefit and their shareholders have received payment for those shares. The Subdistrict has received approval from the State to use water it had stored in Santa Maria and Continental Reservoirs to help supply water to the Rio Grande this year.

Steve reported that a recent issue of High Country News included a letter from Cisco Guevara, President of the New Mexico Rafting Association, which blamed the San Luis Valley's farmers for "dewatering" the Rio Grande and preventing rafting businesses from making enough money to survive. The letter was full of errors of fact, drawing false conclusions, so Steve and Craig went to the River Guide Rendezvous last Friday to talk to the river guides. They didn't like what they heard. "We explained the Rio Grande Compact, the drought situation, and we tried to make it clear. No, we're not stealing water; not building lakes in the Valley." [An article reviewing this truth-speaking encounter between Steve and Craig, speaking for SLV farmers and the complaints of disgruntled river rafters is here:

<http://www.hcn.org/issues/45.6/downstream-depletions>

Jim Ehrlich asked when the sign-up deadline is for CREP. Steve: there will be an advisory meeting after May 30 at the Service Center.

- **Initial Review of Project for WSRA Funding – Kerber Creek Restoration Project – Trevor Klein, OSM/VISTA Coordinator for Kerber Creek Restoration Project.** The Kerber Creek Restoration Project (KCRP) was sponsored by the Bonanza Stakeholders Group (BSG), formed through collaboration between landowners, local, state and federal agencies, and several nonprofit groups. The BSG currently consists of sixteen partner organizations and over 20 landowners. Trout Unlimited (TU) is applying for WSRA funds as the lead fiscal sponsor. The Kerber Creek Watershed, with a 5th level watershed designation in Saguache County, runs through the towns of Bonanza and Villa Grove and empties into the San Luis Creek.

Trevor reviewed the Bonanza mining district history and environmental issues. Tailings and mine waste collected and were deposited downstream in flood events, causing deposition of contaminated sediment and contaminated flow from source areas. KCRP has been working with many partner organizations to restore fishery and macroinvertebrate habitat. Trevor reviewed KCRP accomplishments, grants and awards received, and the role of Trout Unlimited and the Colorado Nonpoint Source Program 319 grants. Their WSRA request next month will be to fill a funding gap – representing 1,150 feet of restoration for which they have no funds. TU will request \$34,871 to cover administration for TU and stream bank stabilization. For more information contact Trevor Klein at coordinator@kerbercreek.org or 719-655-6107.

Discussion: Funding history of KCRP; the funding gap; why paying an administrator; Rio: "It's extraordinary to see the change in that stream corridor. Maybe we could have a tour?" Trevor: Hopefully in June or July.

- **Re-Request for WSRA Funding – El Cerro Ditch** – Mike explained that this WSRA application for funding would be reconsidered, given the anticipated increase in Basin Funds for future applications. This Roundtable approved their request but CWCB did not recommend funding because, as Mike explained, (1) CWCB was changing its criteria for funding at the time of the request; (2) the applicants were requesting too large an amount (10% of the entire Statewide account); and (3) CWCB decided that the proposal did not make a convincing case for the project's having a significant statewide benefit.

Mike, Greg Johnson, and Anna Mauss subsequently reviewed the project, toured the ditch, and raised the possibility of Cerro Ditch taking out a CWCB loan. After breaking down the anticipated costs, Cerro Ditch may be re-applying, asking for \$100,000 in Basin funds.

Discussion: Mike reviewed the status of the Basin Account and asked about anticipated requests which might be presented for funding between now and September. Nicole informed that one and possibly two proposals are being prepared for Previews in June, with funding requests in July – [subsequent note: One is to increase the accuracy of river flow predictions through additional radar installations in the SLV and the other is for diversion projects to restore portions of the Conejos River.] With amounts as yet undetermined, Nicole said “both will require significant Basin support.” Mike: “Our intent today is to alert members that El Cerro Ditch will come back in the future looking for \$100,000 from the WSRA Basin Account.” Some objected to reconsidering a proposal which had not been chosen by CWCB for funding, when other worthwhile projects have to cut back on their Basin matching amount. Mike: We’re taking the issue of state benefits out of the question. “As a basin, we considered this a worthwhile project. El Cerro came forward first and was approved by this Roundtable.”

Diana explained that this was originally a two phase project, but NRCS suggested both phases be consolidated into one in order to apply for NRCS’s Targeted Conservation Fund [this fund, with winners soon to be announced, sets aside up to \$1 Million for six to eight years.]

Lawrence: This project also had few implications regarding the Rio Grande Compact; therefore it’s similar to Terrace and Sanchez reservoirs. “El Cerro was the victim of changing criteria and unfortunate timing. I have no objection to the El Cerro Ditch making this request.”

➤ **Response to Spruce Bark Beetle - Future Outlook – Dan Dallas, USFS Rio Grande Supervisor and USFS Staff**

Forests are ever changing, but the beetle epidemic we are currently going through represents a large scale change in the Rocky Mountains that has never been witnessed by European Americans. Dan Dallas presented the context and history of the spruce bark beetle and explained the USFS response up to now. Jim Pitts described the La Garita Hills Project. Jim Jaminet, who works with fire across all federal lands, said the risk is fairly high that that we could have a large fire event. He responded to specific questions which the Roundtable had submitted regarding fire and the effects of fire on water and wildlife. This was followed by an open discussion of the Future Forest Initiative and stakeholder opportunities for participation. Entomologists are seeing this as very unusual behavior, with 70% of our spruce-fir zone affected. A statewide spruce beetle progressive map showed the spread of the epidemic, which is too extensive for the USFS to possibly deal with. “We have no hope of removing dead growth – we’re going to have to involve the public – and do things REALLY different. Our response to date has been to focus on health and safety, but even so, we can’t keep up with our trails work.” Mike Blakeman explained that “these bugs are part of the ecosystem.” He discussed drought, huge blow-down events, and the unprecedented spread of the epidemic – plus the fact that in the future new kinds of forests will emerge again.

Discussion: Expressions of concern for the public. Mike Blakeman: need for public involvement, resiliency and future tolerance to a changing climate. Need for adaptive management, NEPA analysis, perhaps Black Hills National Forest analysis as a model. Possibly changing the course of succession with purposeful, focused intervention.

Charlie: What's the difference between letting it go to hell or managing it? What would it look like if you didn't do anything? Always some level of active management.

NOTE: Some researchers are joining the local NF staff on 17th of June and they will describe the problem in phases. They're working on a synthesis paper and putting a huge study together. Craig and Steve would like to be included and maybe talk with them. Malicheck is working on the agenda and invitations will go out when that's done. Right now the NF's main concerns are the effects of the beetle epidemic on water, wildlife habitat, and fire.

ACTION: Mike: What can this group do to help you? Statements to support you? As we put together our watershed management plan, we must raise the issue of fire and its impacts on watersheds. Karla Shriver suggested perhaps an economic impacts study. Dan agreed that in addition to the work of hard scientists there is a place for social scientists and economists to engage.

This was a riveting presentation, too lengthy to condense here. A copy of the PowerPoint, "Forests in Flux," is available. Contact Mike or Nicole.

- **Western State Colorado University in Gunnison will hold the 38th Annual Colorado Water Workshop entitled "Planning for the New Normal,"** July 17-19, 2013. Rio encourages everyone to attend. There are scholarships available to go to Gunnison. Register online at https://banssb.western.edu/WOL/wwwstore.P_register or contact Rio or the workshop director, Jeff Sellen (970) 943-3162 jsellen@western.edu.
- **Non-Consumptive Toolbox - John Sanderson, The Nature Conservancy and CWCB Consultant** – CWCB has developed a "toolbox," a suggested template, as a resource for developing implementation plans and executing conservation and recreation projects. This is not a policy statement or a directive, but is intended as an outline or a guide for basins as they develop basinwide goals, determine measurable outcomes, define needs and opportunities, and establish their own decision process and basinwide implementation plans. A webinar to discuss the toolbox will be held May 17 - Contact Jacob.Bornstein@state.co.us. Review period closes May 20 and goes to CWCB for approval on July 16-17. From July onward, basins will develop their implementation plans, which will be at the core of the statewide water plan.
- **Discussion on Basin Implementation Plans for Future Water Supplies and Demands, Mike Gibson & Travis Smith** -- Mike has met with other Roundtable Chairs and John Stulp on creating the Rio Grande Basin Water Plan. Travis has been in discussions with John Stulp. Discussions have taken place regarding putting together an outline and scope of work, with the intent of hiring a 3rd party consultant to do some research, fact finding, writing, following what we decide as a Roundtable. More information will follow as these meetings and conversations develop.
- **Update on Oil & Gas Drilling, Rio Grande County: Rose Vanderpool, Rio Grande County Land Use and Paul Tigan, BLM** -- Bureau of Land Management (BLM) Field Manager Andrew Archuleta told members that the Colorado Oil and Gas Conservation Commission (COGCC) had approved, with conditions, an application for Dan A. Hughes Company to drill in the Frisco Creek area.

Charlie Spielman, representing industrial water users, gave a brief report on his attendance, at a recent technical meeting on the proposed oil and gas well. Invited to attend by the Dan A. Hughes Company, Charlie reported that state and county representatives were present as well as COGCC, BLM, and Dan A Hughes Company. He heard all three representatives say they were going to “do what’s right,” but none of them indicated they were going to use the oil well logs to determine the casing plan, which Charlie feels is the “right thing to do.” This opinion was echoed by Andrew Archuleta, who said “Yes, you need to let the hole tell you what to do as you go down.” The BLM is working with the company on the environmental assessment and setting conditions for potential approval. They are preparing a draft for the 30-day public review.

Discussion: Are conditions similar to First Liberty? Charlie reported that the operator had expressed the intent to set surface casing down to 1,100 or 1,200 feet, but Archuleta disputed this, saying they made no such commitment. “We’re in the process of deciding on the best scenario. There’s a difficulty accepting that the hole can tell us what we need to do.” Mike asked to be advised when the EA comes out.

- **Report from the Interbasin Compact Committee - Travis Smith and Steve Vandiver --** A lot has changed in last 30 days. CWCB is looking for a new Director, as Jennifer Gimbel’s contract will not be renewed at the end of June. Governor Hickenlooper has set a two year, deadline to create a Statewide Water Plan by 2016. “IBCC will be ramping up the frequency, intensity, and the subject matter of our meetings, with the Basin and Statewide Water Plans being top priority”.
- **Future Meetings / Topics** – Rio suggested to Trevor that perhaps in July he could arrange a tour of the Kerber Creek Restoration Project. Funding request for Kerber Creek will be presented in June along with two Preview presentations from Conejos Water Conservancy District, with other projects coming forward for funding, so please be sure to attend.

NEXT MEETING

June 11, 2013

**Conference Room, San Luis Valley Water Conservancy District
623 Fourth Street, Alamosa, Alamosa, Colorado
Light Refreshments Will Be Served**