

Colorado River Basin Roundtable
Meeting Minutes, November 24, 2014, Noon to 4:00pm
Glenwood Springs Community Center

Next Meeting – January 26, 2015, Glenwood Springs Community Center

Four Basin RT Meeting – December 18, 2014, Ute Water

RT Members present: Jim Pokrandt, Mark Hermundstad, Steve Ryken, Linda Bledsoe, Art Bowles, Louis Meyer, Chuck Ogilby, Mike Wageck, Bruce Hutchins, Karl Hanlon, Stan Cazier, Kathy Chandler-Henry, Lurline Underbrink Curran, Bob Zanella, Lane Wyatt, Karn Steigelmeir, Ken Neubecker, Carlyle Currier, Mike McDill, Mark Fuller, others who didn't sign in...

Guests: Angie Fowler, Eric Kuhn, Jason Lederer, Justin Anderson, Troy Wineland, Brian Lorch, Steve Child, Chris Treese, Brent Gardner-Smith, Dave Merritt, Merrit Linke, Paul Bruchez, Brendon Langenhuizen, Peter Mueller, Dick Hart, Jamie Harrison, others who didn't sign in....

Introductions all around.

Swan River Restoration Grant Request presentation - Jason Lederer, Justin Anderson, Troy Wineland, Brian Lorch.

The Summit County Open Space and Trails Department is seeking support from the Colorado Basin Roundtable through the Water Supply Reserve Account for a river restoration project on the Swan River northeast of Breckenridge. This reach of the Swan River was “turned upside down” by gravel placer mining activities in the late 1800's, as were many streams in Summit County. This project will restore approximately one-half mile of river, restoring the channel, the riparian area and damaged upland areas. Summit County will also be donating 5 acre feet of water for instream flow purposes to help restore this reach.

This work is similar to other restoration projects that have occurred in the area. It is different from the Blue River work done by the Town of Breckenridge. Adjacent private property and CDOT ROW limited that work to a narrow stair step design. The Town and County own the adjacent land along the Swan River, allowing for a wider area that can incorporate meanders, riparian and upland restoration as well as creating riffle pool structures within the channel.

The WSRA Application was provided prior to the meeting and has full details about the project. The application requests the following:

\$926,250 from the Statewide Account
\$48,750 from the Basin Account
\$975,000 total WSRA funding.

Discussion on the IBCC Seven Points (Conceptual Agreement)

There was a lively discussion of the so called Conceptual Agreement and the 7 points adopted by the IBCC as a framework for continued talk about a possible new Trans-Mountain Diversion. This discussion was continued from the October meeting.

Jim P. began the discussion by explaining that the 7 points are a framework for further discussion and do not constitute an agreement. He noted that the Gunnison Basin RT wants a fuller discussion on any new TMD, something they do not approve of, but we need to have the discussion. The Yampa Basin also wants to continue the discussion and bring in the idea of a “carve out”, water left available for them to develop without fear of a TMD jumping ahead of them. Entities on the Front Range are also not all on board with the IBCC framework either.

Everyone on the Roundtable agreed that this IBCC proposal was not, and should not be called and “Agreement”. It is a framework from which further discussion can proceed.

Louis Meyer spoke about his initial reaction and response to the 7 points, and passed out a handout with his thoughts. He stressed that these are “brainstorming” ideas to stimulate discussion on negotiating a conceptual agreement. He also had a handout with his reasons why the 7 point “Conceptual Agreement” should not be included in the Colorado Water Plan. Both handouts are attached to these minutes.

Louis stated that the 7 points needed far more definition and detail. What does it mean and what are the unintended consequences?

He offered the following reasons why the Conceptual Agreement should not be in the Colorado Water Plan:

1. It was not what the Governor asked for when he issued the order for a Water Plan.
2. Any such agreement will need more public process, transparency and input. This does not have public support. If these points are in the Plan it will lose public support. It is not a grassroots effort. How can we tell our constituents that we support these 7 points when we know that’s not what they want?
3. It does not conform to the instructions for the CWP/BIP from the CWCB. We have a mandate from the public (of the Colorado Basin, through our BIP process). We have also determined that there really is no more water left for a new TMD. How do we hold the Front Range to its commitments for greater conservation and efficiency efforts?
4. Where are the topics of interest to us? West Slope agriculture and healthy rivers?
5. We need to get back on track with a public process.

6. If these 7 points are incorporated into the Water Plan they will become the main focus, at the expense of everything else that the plan should be focused on.

Jamie Harrison commented that this “agreement” sells the West Slope down the road. It is far too vague. It is an agenda, not an agreement.. Where does it say anything about process, inclusion of the public or local entities? We should strongly state that this is not an agreement, although they are good points for continued dialog, a dialog that needs to be engaged.

Chuck Ogilby stated that a conversation with Carlyle Currier at the October meeting troubled him. He understood Carlyle to say that if a new TMD could save West Slope agriculture, he’d reluctantly support it. Carlyle, being a rancher, is in a box. Chuck stated that he is a huge supporter of agriculture, with a son in law who is a rancher. He also stated that even so, neither a new TMD nor loss of West Slope Ag is acceptable. Carlyle responded by stating that Chuck had misunderstood him and that he does not believe a new TMD could save West Slope ag. In fact he believes the opposite.

Chuck went on to note that if high levels of conservation and efficiency were adopted the “gap” would disappear.

Chuck also noted that the Eagle basin had faced down and stopped other TMD’s from the Eagle and Gore Creek (Homestake II, Eagle-Piney). He stated that Carlyle and Stan, in agreeing to these 7 points, were not representing Eagle County’s interests and disagreed with their taking a position without Roundtable support.

Chuck noted that Phase 2 of the Water Availability study was never completed.

He called this a top down approach, an attempt to force something down our throats and that the 7 points need to go through a “painful” process (like the Colorado River Cooperative Agreement).

Chuck moved that we put the seven points into format similar to the Colorado River Cooperative Agreement and keep it out of the Colorado Water Plan. Louis Meyer seconded the motion.

More lively discussion ensued...

Stan Cazier – As we (the IBCC) started out on this process we looked to the second phase of the Water Availability Study. That was mothballed. The IBCC then turned to “risk management”, something originally thought of as unnecessary. The IBCC spent a year on this and last February drafted the 7 points as a framework for discussion, and finalized them in June, sending them to the Roundtables for continued discussion.

The first point, that the East Slope would not look for a firm yield and would accept all hydrologic risk stemming from a new TMD, was something that the West Slope never dreamed they'd get from the Front Range. Prior appropriation doesn't require any such conditioning and allows any East Slope interest the right to develop a new TMD regardless of any "agreement" or discussion. Any one from the East Slope can come over here anytime they want. Denver Water isn't the threat. There are plenty of other smaller entities with substantial needs to fill. They need a "sugar daddy" such as the State to support and help fund their ambitions (see chapter 9.2 of the draft CWP). Buying out water from West Slope ranches is a viable option when there is a lack of money to build projects.

These 7 points are really aimed at not allowing the Front Range to come to the West Slope for additional water. It will become too expensive and not worth the risk.

As for the numbering and order of the 7 points, there is no "magic" in that.

Eric Kuhn - The 7 points were intentionally vague because you can't get 28 people with such different interests to agree on anything else. Despite what some on the Front Range would like, no amount of engineering projections can give you quantity of water left to be developed from the Colorado River as "compact entitlements" as some for the Front Range BIP's claim. The river is fully developed.

The Front Range is finally backing off the idea that there is a quantifiable amount of water to develop.

We need to have a dialog with the other three West Slope Roundtables. They are in a similar situation.

If there is no more water to develop in the Colorado River that is not just a problem for the Front Range, but for us as well. The Gunnison Basin worries that no more water for the FR means none for us either.

We need to have a strong and unified voice from the West Slope.

Chris Treese – If we just say "no", that isn't strong enough. We need to back it up. We need to propose a constructive alternative, although we can't leave out our opinions. It is significant that the East Slope interest agreed to these 7 points.

Lurline Underbrink Curran – In Grand County we realized that we had to negotiate and talk with the other side. But everyone needs to know what the words mean, and they have to mean the same thing to everybody. This "agreement" needs a definitions section so that we know what we are talking about.

We also need to express the that expediting the permitting process should not be part if a new TMD. Proponents need to understand that this could be a long process, 10 to 15 years, that gives the public ample opportunity to get engaged and

understand what the TMD means. Don't try to hurry it up as you shove it down our throat...

Local control must also include strong 1041 regulations. We shouldn't have to keep battling just to maintain local control through 1041.

We need to find ways to stay in control, and that means talking with people you disagree with.

Carlyle Currier – (responded to Chuck's recollection of their conversation, included above with Chuck's comments). The threat to West Slope ag is from Front Range folks buying out the farms and ranches here to get the water.

He's not sure that there is any water left anywhere in Colorado that can sustain Front Range growth (neither do I...) and that if they want water for unlimited growth they need to look outside of the state. Compact issues, shortage and hydrologic risk is very real. Agrees with Lurline that strong 1041 have to be kept in place, and that there are people who want to remove them. In our vote on the "agreement" we did not give up local control.

And what should be in the CWP (if these 7 points aren't)? What is our job? How is it defined in HB05-1177? He is afraid that we are re-building the old barriers, not breaking them down. We need to talk with others, the Front Range, if we hope to work together to find solutions.

Mike McDill – worried that whatever gets into the CWP will become the CWP.

Karl Hanlon – The concept of a new TMD will be in the Colorado Water Plan regardless of what we say or do. (it already is) There will be discussion. The question is how to frame the conversation. The first point (no firm yield and accepting hydrologic risk) is huge for this discussion. We need to be careful and be able to control or manage the conversation. We cannot take an "all or nothing" position. We'll likely end up with nothing.

The example of the CRCA. It had a rough start, but a better finish. Taking absolutes on approaches will not work. Lets describe what we mean, and what it means for the West Slope.

Kathy Chandler-Henry – Report on comments made at the CWCB meeting. Asked for a framework to deal with conflict. Was told that the 1177 process was developed to do just that.

Karn Steigelmair – The Water Plan already has the conflict inherent in it. We can't just say "no". We need to change the title of the conceptual agreement to something like "conceptual framework for continued discussion".

In the CRCA talks there was a lot of back room discussion. This process, the 7 points, aren't ready yet for full blown public process. Its not time yet to engage the public and the talks need to remain with the "insiders" group (we don't want to have to answer the same basic questions every time we meet..)

Jim P. – "agreement" is not a good description and we need finer definitions.

Chuck Ogilby – need to reiterate that the motion is to separate the 7 points from the CWP, not to object to and try to stop the discussion.

Karl Hanlon – We need definitions. What do these concepts mean, for us. Most critical, what does the first point mean for us. It is a tectonic shift. As for hydrologic risk, all you have to do is look at Lake Powell to see that the risk is very real. These 7 points re-enforce the position taken in our White Paper and show the success of its impact. Maybe we need a second White Paper addressing these 7 points from our Roundtable perspective.

There is also a point where we need to make a stand.

Dave Merritt – We have to look at what is happening in process across the country. We've asked our legislators to work together. We need to look at our process and figure out how to make that happen here. If we don't we are as much a part of the problem.

Chuck Ogilby – reiterated history and the defeat of Homestake II and the Eagle Piney project. They were defeated because we stood up and said "no". We need to keep these 7 points out of the CWP.

Louis Meyer – We're all saying similar things in different ways. We aren't going to throw the 7 points out, or the IBCC. Lets give them some West Slope input, lets add to the 7 points.

Lurline Underbrink Curran – We are all saying the same thing. We need definitions. We need to let them know what we mean. What does "risk" mean? We need to respond, meet with the other basins and get on the same page for continued dialog.

Stan Cazier – We're not trying to "embed" anything in the CWP. It's not up to us (IBCC) if these 7 points are in the Water Plan. These 7 points are limitations. If they get into the CWP they will then incorporate limitations on TMD development that are not in the Plan now. If we don't incorporate these 7 points we run the risk of giving the Front Range a green light to keep going as they want.

Lurline respectfully asked Chuck to withdraw his motion or replace it with one based on this discussion.

Chuck amended the motion to ask for a small group to draft a new motion, but still keep the “agreement” out of the CWP.

Worry was again expressed that if the 7 points are in the Plan they will become the focus of the Plan.

Jim P – The IBCC is looking for our comments and feedback. The upcoming Four Basin meeting will inform this as well. Hopefully we can have a unified statement from the Four Basins, but we will at least have something from us. We need a plan for the Dec. 18 meeting.

We need to send out a summary of this discussion (as I expected...). It is premature to put these 7 points into the Plan until we have better definitions.

Lurline Underbrink Curran - It is important that we stress that the West Slope does not agree that a new TMD is appropriate or should be part of the CWP. That said, we are willing to have the conversation. These 7 points are premature for the CWP.

Lurline moved that we **Request that the IBCC recognize that these 7 points are not an agreement, that they are a framework for further discussion only. As such it would be premature and inappropriate to include them in the Colorado Water Plan. It is also moved that we will create a working group from this Roundtable to define our ideas on what the words and concepts in the 7 Points mean.**

Louis Meyer (I think..) seconded the motion. The motion passed with a unanimous vote.

(A great sigh of relief went up from those gathered as they rushed for the restroom, for further relief...)

Mark Fuller thanked Louis Meyer for his time, effort and thoughts on this matter.

Tiering BIP Projects

The Roundtable broke into groups, by regions as outlined in the BIP, to discuss and rank projects. The goal was to identify three (or four) top tiered projects in their region and then four projects that applied basin wide. These rankings were passed on to SGM for inclusion in the BIP update. A couple of the regions decided that they needed more time and input from stakeholders to make such a ranking.

Basin wide three of four projects were identified:

- 1) Development of a Basin Wide Stream Management Plan
- 2) Protection of the Shoshone water right and call
- 3) Development of Land Use regulations and BIP's that conserve water use

A reminder of the Colorado Foundation for Water Education's request for funding was made. The CFWE is looking for partner support of \$500 to help with producing an edition of Headwaters magazine on the Colorado Water Plan, and hopefully much of what we discussed today.

The meeting was adjourned at 4:00, or close to it...