

IBCC Colorado River Basin

1. September 14, 2015 CBRT Minutes

1. **September 14, 2015 CBRT Minutes – WSRA Grant Request for \$25,000 for Colorado Stormwater ad campaign; approval for \$54,000 Eagle County ditch analysis; grant request for Colorado Stream Management Plan pilot study; CBRT submission of comments on Colorado’s Water Plan**
2. **Next Meeting: October 26, 2015, Glenwood Springs Comm Ctr, 12:00 – 4:00.**
Potential meeting with legislators.
3. **Upcoming Meetings**
 - a. SB 14-115 hearing: September 15, Aurora City Council, 6-8:00 PM.
 - b. CWCB meeting in Montrose on September 14-16. Public comments on Colorado’s Water Plan are being heard at 10:00 AM.
 - c. September 26, river cleanup on Middle Colorado in Rifle.
 - d. The Great Divide, a film about water in Colorado, September 24, Crystal Theater, Carbondale, October 17 in Grand Junction at Colorado Mesa University.
 - e. September 24-25 meeting with DARCA. Float down the river on September 25
 - f. October 28-29 Colorado Mesa University conference.
4. **Reporter: These minutes were prepared by Ken Ransford, Esq., CPA, 970-927-1200, kenransford@comcast.net.**
5. **CBRT Members Present:** Kim Albertson, Art Bowles, Caroline Bradford, Paul Bruchez, Mark Fuller, David Graf, Mark Hermundstad, Bruce Hutchins, Diane Johnson, Merritt Linke, Wes Mauz, Mike McDill, Ken Neubecker, Chuck Ogilby, Jim Pokrandt, Ken Ransford, Rachel Richards, Steve Ryken, Karn Stiegelmeier, Michael Wageck, Lane Wyatt, Bob Zanella
6. **Guests:** Steve Aquafresca, Steve Child, Angie Fowler, Carrie Gudorf, Mesa County, Ben Hoffman – Ute Water, Hannah Holm, Brendon Langenhuizen-SGM, April Long – City of Aspen, Brent Newman, CWCB, Laurie Rink, Scott Schlosser
7. **Upcoming meeting schedule.** Jim Pokrandt suggested that we meet every 2 months, and skip November and December. Paul Bruchez said we should coordinate this with the grant funding cycle. We need to receive presentations in October, so we can vote by email for forwarding it to the CWCB in time for the January meeting.
8. **Colorado River flow at Dotsero.** Gage was 1,700 cfs on 9/7, 400 cfs above the 1,300 cfs average, dropping to 1,400 cfs by the end of the week. **The Shoshone power plant shut down** for repairs; it will be offline for 2 weeks, **so the Shoshone Protocol went into effect.** In the Shoshone Protocol agreement, upstream reservoir operators release water to mimic the Shoshone call, and try to keep the Cameo call off. First Cameo Call is

119 cfs (GVIC); it came off when rains raised the water level. Last week at the HUP call they expect to have a Cameo Call this week. The endangered fish targeted flow in the 15-mile reach is 1,200 cfs; last week it was about 1,000 cfs.

9. **Live Like You Love It public education campaign.** Amy Conklin. Colorado Stormwater Council and Colorado Water Wise are implementing this campaign. They're asking for \$100,000 statewide funds, \$50,000 from the South Plate and Denver Metro roundtables, and **\$25,000 from the Colorado and Arkansas Basin roundtables**. These are the roundtables with the most urban populations; that is why they are not targeting the Rio Grande, North Platte, Southwest, or Yampa roundtables.
 - a. All prior public education campaigns conclude that **people really care about water**, and they want to know more, **especially what they can do**.
 - b. People are as focused on water today as they will ever be. At the end of the day, the voters have to decide how water resources will be used and protected in this state.
 - c. The campaign has to be **targeted to the Millennials**, born between 1980 and 2000. They are the largest demographic group in Colorado. People need to hear a message at last 7 times before it resonates with them.
 - d. Rachel Richards suggested that this is not the main message of the CBRT. Urban water quality is not as important an issue as municipal water conservation, or agricultural irrigation efficiency, for example.
 - e. Laurie Rink likes the campaign because it is the first one that talks about water conservation and water quality. This captures both.
 - f. The grant funds will buy media; \$128,000 is earmarked for this.
 - g. Caroline Bradford made a motion for the CBRT to contribute \$25,000, but then withdrew it so the grants committee can score it and make a recommendation to the Roundtable. Mike McDill also agrees this is a good program.
 - h. Diane Johnson says that Colorado Water Wise is very focused on the Front Range, and that the EVWSD is not that interested in participating in this.
 - i. Steve Aquafresca asked if the Colorado Stormwater council could work with the Grand Junction group of water utilities that educate Grand Junction citizens.
 - j. Mary Dawson of Aurora water, who chairs the Colorado Stormwater Council, pointed out that water conservation was just as important as the stormwater quality. **Denver Water's Use Only What you Need campaign is very recognizable, but Denver Water won't share it.** The Stormwater Council

wants to come up with an equally recognizable slogan. Media buys are the only way to reach people today, because people trash mailers Conklin said. Electronic communications are the best way to reach Millennials. This campaign should go statewide. Karn Stieglemeier agreed that **the only thing that Millennials look at is social media.**

10. **Eagle County Conservation District Grant request for \$54,000** for an irrigation system inventory. Scott Schlosser made the presentation.
 - a. Paul Bruchez – Landowners who are unwilling to release information about the ditches on their property is a barrier we need to deal with.
 - b. Karn Stieglemeier – What greater value will this have for other studies or regions? Scott Schlosser and Brendan Langenhuizen said they plan to inventory ditch structures that need work. **The ditch owners think this information would be invaluable.**
 - c. Rachel Richards asked how much money we have left in our Basin Account; Jim Pokrandt said we have about \$500,000. The next funding cycle is due in January, but since it is based on severance tax revenue, it is not certain.
 - d. **Chuck Ogilby made a motion to approve, and Rachel Richards seconded it. It passed with two nay votes, one by Kim Albertson,** who feels that the **confidentiality should be protected.** He is voting no because he is concerned that the information gathered could be made public. **Caroline Bradford** also voted no because she feels the budget is insufficient to perform 25 ditch inventories, and because **the CBRT should not spend money on projects where the information gathered will be confidential.** She feels it is premature to vote on this until the confidentiality question has been determined.
 - e. Brent Newman said there will be a discussion by the CWCB to determine what information gathered in this process will be made public.
11. **Stream management plans, Ken Neubecker.** The CBRT plans to make a grant application to the CWCB Colorado Watershed Restoration Program to hire a consultant that will help define a “healthy stream” and **develop a template for a stream management plan and to test it on a stream in the Colorado river basin.** What is needed in a stream to be a healthy stream? It may not just be flow related; macro-invertebrates don’t necessarily need the same flows as fish. This can be a sensitive topic with members of the agricultural community, for similar reasons to the ditch inventory project.
 - a. The **CWCB Projects Bill requested \$1 million for stream management plans,** and it is expected that this will be repeated in the future. We have to determine what we already know by canvassing the data that already exists.

- b. David Graf recommends that we try to **determine the nexus and synergies between stream management plans and irrigation practices**. Should return flows be viewed as a device to store water in the alluvium? When we look at actual stream flow management, we have to get the specific facts. **Where, when, and how are return flows occurring?** There are recognized benefits from irrigation water satisfying environmental needs; Neubecker said this will be **considered on a case by case basis**.
 - c. Roundtable members were concerned with what this will cost. The Grand County Stream Management Plan cost \$2 million according to Mike Wageck.
 - d. April Long said the **City of Aspen plans to produce a stream management plan for 2 miles through Aspen**; they will be applying for a state grant, and want to coordinate with Ken Neubecker.
 - e. Watershed plans are more concerned with land use such as forest health, timber management, or runoff from storms or landfills. Stream management plans focus on the stream channel itself – you need water in the stream for healthy habitat and riparian environment. **What are the necessary flows and when are they needed to maintain a healthy stream**. Agriculture can help with this in terms of later season return flows that flow back to the stream. Flushing flows that remove accumulated sediments and channel maintenance flows that mobilize rocks in the river bed have to occur at particular times. Lastly, **a count of fish and macro-invertebrates will verify whether the stream is remaining healthy**.
 - f. Steve Aquafresca suggested this could be an enormous task; Art Bowles recommended that the grant request should hone in on something specific. The water flow evaluation tool (WFET) earlier developed by the Nature Conservancy with Colorado Basin Roundtable WSRA funds can be used.
 - g. Motion – **Ken Ransford made a motion to support the stream management plan work group in making a grant application, with an eye to keeping costs to a minimum, and to come up with plan that can be duplicated on as many other streams as possible**. Rachel Richards seconded it, and it passed **unanimously**.
12. **CBRT comments on Colorado’s Water Plan**. Jim Pokrandt said he would try to assemble the basin comments from Lane Wyatt, Mark Fuller Hermundstad, Rachel Richards, Paul Bruchez, Angie Fowler, and Ken Ransford into a document, as well as the 7 Point Definitions that we crafted into our comments on the state water plan.
- a. **High municipal conservation is important**. 400,000 af in the water plan is not enough. A high conservation goal is 461,000 af. Ken Ransford is concerned that it is not clear whether these numbers include passive conservation savings that come automatically by switching to low flow fixtures, or whether they are added

to the low conservation savings that Front Range roundtables have already agreed to. He suggested that we define high conservation as the amount of municipal conservation necessary to eliminate the need for another TMD, but the roundtable disagreed.

- b. Lane Wyatt recommended the roundtable to **vote against the concept of the state recommending approval of a water project before federal permits are awarded or before the final project design is determined.**
 - i. The federal and Colorado governments each play a role in granting approval for water projects. The Army Corps of Engineers must grant a section 404 permit before construction activity can occur that impacts a stream, and the Colorado Department of the Public Health and the Environment (CDPHE, also referenced as the Colorado health department) must certify under section 401 of the Clean Water Act that sections 301, 302, 303, 306, and 307 of the Clean Water Act are not being violated by the construction activity. In granting section 401 approval, the state is saying the project does not violate water quality standards.
 - ii. NEPA, the National Environmental Protection Act, requires that **all reasonable alternatives be considered** in construction activities that affect streams on federal property or that obtain federal funding. The Colorado health department is underfunded and does not get involved in NEPA analysis until the alternatives are limited since it is **expensive to evaluate alternatives that are discarded**. The increased Moffat diversion is a case in point; the Colorado health department has no data because they did not meet upfront to say what data they need. **Colorado's Water Plan is suggesting a contingent approval process where the state CDPHE says it approves a project before the final project design has been agreed upon.**
 - iii. The head of Colorado Department of Natural Resources goes to Washington DC to lobby Congressmen for funding for water projects. Streamlining the permitting process makes sense in theory, but **the state health department is opposed to being required to approve a project before its final design has been approved**. We should say that the state endorsing water projects is a mistake. People want projects to stand on their own. The state should be helping a project move forward, but not by telling a state agency what to do.
 - iv. Since the September 14, 2015, CBRT meeting, **two bills have been proposed** to the Water Resources Interim Committee for introduction in the 2016 legislative session that would (1) **give the State Engineer authority to issue Colorado state permit** if the federal bill authorizing the project delegates that authority to the state; and (2) transfer to the State

Engineer the authority **now delegated to** the following state agencies: (a) **the Colorado energy office's** authority to review applications for a federal energy regulatory commission (FERC) license for a hydroelectric project; (b) **the water quality control division's** authority to certify or deny permits under Clean Water Act section 401; or (c) the ability of the **Colorado parks and wildlife** agency to adopt an environmental mitigation plan for impacts to fish and wildlife.

- c. Steve Aquafresca recommended that the West slope counties said in their West Slope Principles after the **July 25, 2015, meeting that the state should not endorse a water project until it has been approved by the local counties and state agencies** that are charged with administering the water project.
 - d. Karn Stieglemeier said we should reiterate the need for land use planning, and municipal conservation. Let's promote high conservation as an alternative to agricultural dryup and more trans-mountain diversions.
13. **Mark Fuller recommends that our legislators talk to us regarding what they plan to do with the plan.** Steve Aquafresca said we should be educating the legislators what our position on the plan is. Legislators are going to pick out pieces of the water plan to support their position. Policy makers are going to use this for their own purposes. We will be better off if we give our policy makers some direction.
- a. Diane Mitsch Bush has read every BIP because she's on the water resources interim committee. Don Coram is also very engaged.
 - b. Discuss with legislators
 - i. Why the WSRA is so important.
 - ii. Why high conservation is so important.
 - iii. Caroline Bradford recommends that we send the legislators the papers we have written.