



# Arkansas Basin Roundtable

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## Arkansas Basin Roundtable August 12, 2015 – CSU, Pueblo; Occhiato Center Meeting Notes

### Roundtable Business

Jim Broderick called the meeting to order at 12:30 pm. Members and visitors introduced themselves. Twenty (20) members were present. There are 40 active roundtable members at this time – 20 is a quorum.

### Approval of Minutes of July

A motion to approve the minutes of July 8<sup>th</sup> was made, seconded, and passed unanimously.

### Public Comment - none

### IBCC Report – Jay Winner and Jeris Danielson

Jeris - IBCC met on July 13<sup>th</sup>. There was a presentation by the Governor's budget office. The group discussed the Conceptual Framework. A lot of time was spent on Chapter 10 of the draft Colorado Water Plan; the Critical Action Plan. This is the guts of the state plan in terms of a roadmap forward. They also talked about the future of IBCC and implementation of the Colorado Water Plan and the Basin Implementation Plans.

Jay – The South Platte voted to reject the Conceptual Framework and will propose some edits. It does keep the door open for a transmountain diversion.

### CWCB Report – Alan Hamel

Alan Hamel – thanked CWCB staff Jacob Bornstein, Brent Newman, and Suzanne Sellers for attending. The CWCB met in Ignacio on July 15 and 16. They worked on the draft Colorado Water Plan and looked closely at Chapter 10. They also met with Southern Ute and Ute Mountain Ute Tribal Councils.

There will be six or more applications to consider from the Arkansas Basin at September's CWCB meeting. That meeting will be held September 15 – 17 in Montrose. The first day will be devoted to a contested in-stream flow on the Delores River. The regular meeting will be on the 16<sup>th</sup> and 17<sup>th</sup>. There will be a finance workshop, and the board will start to talk about the Construction Bill for 2016.

### Executive Committee Report – Jim Broderick

There is one modification of the agenda. Under discussion of the Colorado Water Plan, we will now start with a presentation. The Executive Committee plans to meet in early September.

The Senate Resource Review Committee held a meeting in Salida yesterday in reference to SB14-115, considering the Colorado Water Plan. Chair Senator Roberts began by giving the committee's views and then opened it up for an overview of the second draft by CWCB staff. Becky Mitchell gave a presentation, followed by Jim's presentation on the Ark Basin Implementation Plan. The meeting was then opened for public comment. The Senate Resource Review Committee is taking comments through September 14<sup>th</sup>, so that they can submit feedback to CWCB by September 17<sup>th</sup>.



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## Nonconsumptive Committee Report – SeEtta Moss

The committee is waiting for the appointment of the Watershed Health Coordinator.

## Watershed Health Collaborative – Mark Shea and Carol Ekarius

Since the last Roundtable meeting, we received feedback on the job description, made edits, and have received around 20 applications. Mark will be working with Carol and others to winnow applicants to three candidates. They will then make a recommendation to the Executive Committee, make a selection and hopefully, will have that person in place by the next roundtable meeting.

The projects that were identified in the grant application will not see a lot of progress until after the hire has been made. The Upper Cucharas Watershed protection project has moved forward with Brad Piehl. We have begun to move forward with the project on the Purgatoire; visiting with Forest Service folks on the National Grasslands regarding ways to reduce illicit uses that are occurring there that are affecting the watershed. There have been planning meetings in the upper Arkansas. We are recognizing the challenges and dynamics that arise through working with existing, smaller watershed groups, and we look forward to adding our efforts to existing efforts for increased results.

The group has discussed grant opportunities with DOLA, who has recently offered funds for assisting local agencies participating in federal visioning projects such as the process underway by BLM.

The mine spill on the Animas River brings up another critical issue facing watershed health, one that should perhaps be included in our efforts to protect watershed health in the Arkansas Basin.

Carol – They have been sharing the applications with folks who volunteered to be on the leadership committee. If others would like to volunteer, let her know. They are looking for input by Friday, and the good news is that there are some great candidates.

## GRANT APPLICATIONS (visit [www.arkansasbasin.com](http://www.arkansasbasin.com) for presentations)

### **WISE Partnership: Conjunctive Use Infrastructure – South Metro WISE Authority – Eric Hecox**

Basin Fund: \$10,000

The WISE Authority is seeking a WSRA grant to help construct an important piece of infrastructure, specifically, a water treatment plant to allow the constructive use of ground and surface water within the same system. This infrastructure is expected to cost \$6.4 million. Timeline: June 2015 – January 2017

We gave tentative approval pending written assurance regarding IGAs between Aurora and IGA partners in the Lower Arkansas Basin. Some of the IGA holders thought we should have more discussion about the triggers. Aurora did provide the following email:

Joe Stibrich, Water Resources Policy Manager for Aurora Water stated “Aurora Water understands there is a concern that WISE deliveries may impact storage levels in the Aurora water supply system that are the basis of the 60 percent trigger that defines when Category II leasing may occur. At such time as Category II leasing occurs, Aurora will evaluate whether there has been an impact on the current storage levels attributable to WISE deliveries, and our findings will be communicated to the IGA parties.”



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Jim talked to roundtable members that were concerned. The IGA parties are now satisfied, and so the application will now move forward to CWCB as approved by consensus.

**PRESENTATIONS (see [www.arkansasbasin.com](http://www.arkansasbasin.com) for full presentations):**

**Implementation of the Wild and Scenic Rivers Act in BLM Planning Processes – Keith Berger and Roy Smith**

Keith manages the Royal Gorge office. A draft of the Eligibility Report is now available on their website:

<http://www.blm.gov/co/st/en/fo/rgfo.html>. The commentary deadline has been extended to September 15<sup>th</sup>.

Four steps:

- Eligibility
- Tentative classification
- Suitability
- Designation

After in-depth study, these five segments were the only stream segments identified as eligible by the Royal Gorge Field Office:

- Arkansas River – 4 segments from USFS boundary to Canon City
- Beaver Creek, East Beaver Creek, West Beaver Creek
- Eightmile Creek – Nipple Mountain to mouth of Phantom Canyon
- Fourmile Creek – Booger Red Hill to headgate of Canon Height Ditch
- Grape Creek – Deweese Reservoir to Arkansas River

Suitability analysis is conducted by the federal agencies using input from our partners, who help identify management conflicts, issues, and other alternatives for protecting values.

*Existing “Suitable” Determinations within Colorado:*

- Rio Grande below Alamosa Wildlife Refuge – since 1991
- Arkansas River – above Canon City – since 1996
- Beaver Creek (tributary to Arkansas River) – since 1996
- Dolores River below McPhee Reservoir – since 1976
- Gunnison River Gorge below Aspinall Unit – since 1979

Wild & Scenic Rivers Analysis: Next Steps

- Finalize Eligibility Report after reviewing public comments.
- Conduct outreach to stakeholders to gather information for suitability analysis.
- Publish Draft Suitability Report as part of Draft Land Use Plan. Plan includes W&SR alternatives and analysis of W&SR impacts.
- Review public comment on W&SR alternatives and suitability report.
- Publish Proposed Plan and Final Suitability Report.

Q/A:

Does BLM own land or does it simply manage lands for other agencies? Lands owned by the US are managed by one of several agencies. Our plan will address all federal mineral rights managed by BLM in Colorado. Some



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mineral rights are managed by USFS. In general, the planning effort that the BLM is undergoing will not concern itself with federal lands managed by other agencies.

On USFS land, BLM administers federal mineral rights, after USFS makes decision as to whether mineral rights are developed or not. BLM cooperates with USFS. USFS makes the determination as to whether minerals below the ground are accessible. If yes, BLM manages the mineral rights.

## **CWCB – Wild and Scenic Rivers Act Alternatives – Suzanne Sellers**

BLM's third step (Suitability) includes other means of protection. This presentation describes some of these alternatives.

### Potential Alternative Tools to Protect ORVs

- Endangered Species Act
- National Historic Preservation Act
- Paleontologic Resources Preservation Act
- Native American Graves Protection and Repatriation Act
- Areas of Critical Environmental Concern (ACEC)
- Special Recreation Management Areas
- Stipulations on fluid and mineral development
- Closure to specific uses, such as right-of-ways, forestry harvest, grazing
- Establishment of Visual Resource Management Classification (VRM)
- BLM Sensitive Species List
- Wilderness Designation
- National Conservation Areas (NCA)
- State Instream Flow Water Rights (ISFs)
- Local Land Use Zoning and Ordinances
- Conservation Easements

### Recent Wild and Scenic Processes

- Upper Colorado River Stakeholder Group
- Dolores River Dialogue
- Southwest Colorado River Protection Workgroup (RPW)
- Gunnison [lower] Basin Wild & Scenic Rivers Stakeholder Group
- Lower Colorado River Wild & Scenic Stakeholder Collaborative
- BLM Uncompahgre Planning Area Approach

### CWCB's Wild and Scenic Rivers Act Alternatives Fund

- Established to support cooperative and collaborative processes that are aimed at protecting the ORVs associated with rivers within Colorado, while protecting Colorado's ability to fully use its compact and decree entitlements through finding alternatives to wild and scenic designation.
- Terms and Conditions for the allocation of these funds at:  
<http://cwcb.state.co.us/environment/Pages/WildScenic.aspx>
- \$400,000 refreshed every year (shared among groups)

### Terms & Conditions Highlights:

- Sponsor (governmental/quasi-governmental entity = easier contracting requirements)



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- 20 percent (or greater) fund match
- ORVs or potential ORVs are protected
- Enable full use of compact & decree entitlements
- Number & types of entities represented is important
  - promote cooperation and collaboration among:
    - traditional consumptive water interests
    - non-consumptive interests

## **PRESENTATION AND DISCUSSION: COLORADO'S WATER PLAN – Jacob Bornstein, Brent Newman**

We will talk about this again at our September meeting. Please see website for presentation.

July 7	2 <sup>nd</sup> Draft CWP released for public review
September 17	Final public comment deadline
December 10	Final 2015 CWP submitted to the Governor

While this meeting is an opportunity to make comments and ask questions, Jim asked roundtable members to take this task upon themselves, and make official comments directly to CWCB. The plan itself is a living document. Many of the actions in the plan are the beginning of a conversation that will take work from stakeholder groups. We should now be commenting on content.

At next month's meeting, we will have a dialogue on issues associated with Chapter 10: Critical Action Plan. We may put together sub-committees to look at specific parts of the plan. Let Jim know if you are interested in being on the review committee.

## **ROUNDTABLE MEMBER COMMENTS/ CWCB FEEDBACK:**

- The Critical Action Plan assumes a NEPA process for every project, which is not always required. Adding a state step adds to the process rather than streamlining. State endorsement between draft and final may be helpful to move the federal process forward more quickly, but not all projects have a federal nexus.
- CWCB has responded to every comment that has been received. The official comment will have the state response to it in the Plan.

Please see the Arkansas Basin website for today's presentations, as only a small portion is captured in these notes.

## **NEXT STEPS**

- Next Meeting – September 9<sup>th</sup>, 12:30 pm, CSU-Pueblo
- Next CWCB Meeting: September 15, 16, 17
- Adjourn

## **Links:**

Information regarding the Arkansas Basin, including meeting agendas, minutes and presentations may be found on our website, at: [www.arkansasbasin.com](http://www.arkansasbasin.com). A link to the draft Arkansas Basin Implementation Plan may also be found there.

Information regarding water in Colorado may be found at: <http://cwcb.state.co.us/Pages/CWCBHome.aspx>

Information regarding Colorado's Water Plan may be found at: <http://coloradowaterplan.com/>