

**Upper Gunnison River Water Conservancy District  
Regular Board Meeting Minutes  
Monday, September 28, 2020**

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a regular meeting on Monday, September 28, 2020, at 5:30 p.m.

Board members present: Rosemary Carroll, Joellen Fonken, Stacy McPhail, Julie Nania (participating via teleconference), Bill Nesbitt, John Perusek, Michelle Pierce and George Sibley (participating via teleconference).

Others Present:

Ashley Bembenek, Coal Creek Watershed Coalition  
Sonja Chavez, General Manager  
Peter Fleming, Colorado River Water Conservation District  
Kate Gienapp, Gunnison Country Times  
Doug Jeavons, BBC Research  
Paul Jones, Wet Meadows Program Coordinator  
Jesse Kruthaupt, Trout Unlimited  
John McClow, General Counsel  
Beverly Richards, Water Resource Specialist  
Jill Steele, Office Manager  
Bill Trampe  
Sue Uerling, Administrative Assistant

Board members not present: Rebie Hazard, Don Sabrowski and Andy Spann

**1. CALL TO ORDER**

Board President Michelle Pierce called the meeting to order at 5:30 p.m.

**2. AGENDA APPROVAL**

**Stacy McPhail moved and Rosemary Carroll seconded approval of the agenda as circulated. A roll call vote was conducted. Results of the roll call vote:**

<b>Rosemary Carroll</b>	<b>yes</b>
<b>Joellen Fonken</b>	<b>yes</b>
<b>Stacy McPhail</b>	<b>yes</b>

<b>Julie Nania</b>	<b>yes</b>
<b>Bill Nesbitt</b>	<b>yes</b>
<b>John Perusek</b>	<b>yes</b>
<b>Michelle Pierce</b>	<b>yes</b>
<b>George Sibley</b>	<b>yes</b>

**The motion carried 8 – 0.**

### **3. CONSENT AGENDA ITEMS**

**Joellen Fonken moved and John Perusek seconded approval of the consent agenda. A roll call vote was conducted. Results of the roll call vote:**

<b>Rosemary Carroll</b>	<b>yes</b>
<b>Joellen Fonken</b>	<b>yes</b>
<b>Stacy McPhail</b>	<b>yes</b>
<b>Julie Nania</b>	<b>yes</b>
<b>Bill Nesbitt</b>	<b>yes</b>
<b>John Perusek</b>	<b>yes</b>
<b>Michelle Pierce</b>	<b>yes</b>
<b>George Sibley</b>	<b>yes</b>

**The motion carried 8 – 0.**

### **4. MANAGER AND COMMITTEE REPORTS**

The board received the September 28, 2020 General Manager & Committee Reports in their packets. An additional document, the Electronic Participation in Board and Committee Meetings Policy, was included in the board’s meeting folders.

**Board Policy – Remote Meetings Amendment:** John McClow reported that this “Electronic Participation in Board and Committee Meetings” policy was originally revised on March 19, 2020 to include item number one allowing electronic meetings. The two changes in this revised edition are item number two and number three specifying that any board member can participate remotely as long as the Covid-19 Risk Level Indicator is greater than GREEN and allowing that a Board member can participate remotely for one meeting per year at the member’s discretion. Sonja said the changes will help ensure a quorum but that she prefers Board members are present in person. John McClow explained that this amended policy allows Board members to vote

remotely whereas before they could not. Rosemary Carroll asked if the language about Covid-19 should be more general and not specific to Covid-19. John McClow said the policy is a board policy and can be changed at any time to reflect current conditions.

**Bill Nesbitt moved and John Perusek seconded approval of the Remote Meetings policy as amended. A roll call vote was conducted. Results of the roll call vote:**

<b>Rosemary Carroll</b>	<b>yes</b>
<b>Joellen Fonken</b>	<b>yes</b>
<b>Stacy McPhail</b>	<b>yes</b>
<b>Julie Nania</b>	<b>yes</b>
<b>Bill Nesbitt</b>	<b>yes</b>
<b>John Perusek</b>	<b>yes</b>
<b>Michelle Pierce</b>	<b>yes</b>
<b>George Sibley</b>	<b>yes</b>

**The motion carried 8 – 0.**

Sonja Chavez said that the Executive, Education, Finance, Projects and Grant Committees did not meet this month. She asked if any meetings were needed for these committees and none were brought forward.

**I. Watershed Management Planning Committee:** The WMP committee met on August 14, 2020 and a meeting report was included in the packets. No questions were brought forward.

**A. Grant Committee:** Sonja Chavez discussed the Crested Butte Mountain Biking Association (CBMBA) Strand Ditch Bridge Project. Sonja said that she, Stacy McPhail and John McClow met today with David Ochs of the CBMBA, Dayle Funka of the Forest Service (Acting District Ranger & Rangeland Management Specialist) and ranchers Mr. Michele Veltri and Mr. Bill Trampe, who have the rights to utilize the ditch water for their operations, at the site where the 20-foot bridge was installed. Stacy McPhail reported that the purpose of the meeting was not to place blame or complain, but to come up with a mutually acceptable solution to the address the ditch embankment leak which developed post project. She said that the resource problems have become even more exaggerated due to the large number of hikers, bikers, and equestrian riders using the adjacent trail. New trails have been forged and are being used by both people and livestock and this is creating more resource concerns. Stacy

believes the district has a responsibility for fixing these issues as this spring will be the third year that the ditch owners will not be able to use the ditch as they are entitled.

Three solutions were discussed including removing the bridge altogether, requesting the Forest Service (FS) relocate the bridge, or require that CBMBA return the grant funds so that the district can address fixing the problem directly with the FS. Rosemary Carroll reported that she has seen upwards of 20 cars parked there, so perhaps the (FS) needs to take on the parking area and trail maintenance and make signage accordingly. Stacy and Sonja reported that the FS could not commit to moving the bridge this fall as they have too many other projects on their agenda right now.

Bill Nesbitt said he has a problem with the District spending our money on something that CBMBA should have handled correctly in the first place. Sonja asked if it was more important, though, for the District to correct the natural resource issues that have developed. Julie Nania said that it might be worthwhile to offer one last olive branch to the CBMBA Board of Directors to ask them to help fix the problem as she wonders if they are actually aware of the whole story. John McClow said that this is not about singling out the recreation community but about CBMBA honoring the conditions of their grant award.

**Bill Nesbitt moved and Stacy McPhail seconded that John McClow draft a letter to the CBMBA Board of Directors detailing the interactions that have taken place with the Executive Director, request that the grant monies awarded them be returned to the District in order to solve the issues created by the bridge being installed in the wrong location. A roll call vote was conducted. Results of the roll call vote:**

<b>Rosemary Carroll</b>	<b>yes</b>
<b>Joellen Fonken</b>	<b>yes</b>
<b>Stacy McPhail</b>	<b>yes</b>
<b>Julie Nania</b>	<b>yes</b>
<b>Bill Nesbitt</b>	<b>yes</b>
<b>John Perusek</b>	<b>yes</b>
<b>Michelle Pierce</b>	<b>yes</b>
<b>George Sibley</b>	<b>yes</b>

**The motion carried 8 – 0.**

**Outcalt No. 2 / GTVA Single Point of Diversion (Gunnison River**

**Hydrologic Modeling):** Sonja Chavez reported that she has signed the contract with Applegate Engineers to conduct the engineering and hydrologic modeling and that the survey will begin soon. Sonja said the Esty Ranch Board’s only concern was about their liability for the District monies being spent on the engineering. She assured them that they are not liable for the engineering and if the project costs more than the funding allocated, they have the right to walk away.

**II. Spencer Avenue Condo Association:** Sonja Chavez said that per Jerry Greene’s P.E. engineering report we need to move forward quickly on addressing the foundation issues. Bill Nesbitt asked if John McClow draft a letter to B.A.M.P to make sure it clearly outlines how the condo association works between the two parties.

**Bill Nesbitt moved and Stacy McPhail seconded that John write a letter to B.A.M.P. explaining the role of the HOA and informing them that the District is moving forward with repairs to the common area concrete issues for \$6900. A roll call vote was conducted. Results of the roll call vote:**

<b>Rosemary Carroll</b>	<b>yes</b>
<b>Joellen Fonken</b>	<b>yes</b>
<b>Stacy McPhail</b>	<b>yes</b>
<b>Julie Nania</b>	<b>yes</b>
<b>Bill Nesbitt</b>	<b>yes</b>
<b>John Perusek</b>	<b>yes</b>
<b>Michelle Pierce</b>	<b>yes</b>
<b>George Sibley</b>	<b>yes</b>

**The motion carried 8 – 0.**

**III. Other Board/Staff/Committee Member Reports**

**A. Treasurer’s Report**

Director Bill Nesbitt gave his monthly update to the Board stating that there has not been much activity in the bond market and that we have not conducted any trades this month.

**B. Taylor Reservoir/Taylor Local User’s Group:** The group made recommendations to the Bureau of Reclamation to request additional

flow through the Labor Day weekend to support recreation and the recommendations were accepted. Sonja Chavez said she appreciates their support and that even with the tough spring and summer, the District still ended up only 500 acre feet less than the end of year target.

Sonja spoke with the USGS about installing gages at Texas Creek and Willow Creek and they said these additions would definitely help capture inflows more accurately and in real-time. Sonja is recommending that the District support the gages for a minimum of five years but would prefer eight for statistical strength of data collected. She reported that the initial cost to get these installed and do seasonal monitoring would run approximately \$60,000 for the first year and \$23,000 for the second year and thereafter. Sonja is reaching out to the Four Parties to see if they can partner to provide supporting funds.

Sonja asked the Board how important this project is to the District if the other partners do not come forward with any funding. She feels this is an especially important project to recreational water users due to the economic impact of not being able to accurately forecast inflow. Rosemary Carroll said she is always big on data and feels we have had a good year so far, despite a lot of challenges. Rosemary said that the weather station also will benefit from this type of project. Stacy McPhail said she is definitely in favor of installing gages but would like to see the other partners help bankroll the project since they are going to benefit directly from it. Joellen Fonken recommended that we look into the Local Marketing District (LMD) grants through the Tourism and Prosperity Partnership (TAPP) and that the Met Rec District might also be able to fund a nonprofit that will benefit from the gages to help with installation costs.

**C. Wet Meadows Project:** Paul Jones reviewed his report that was included in the Board packet and asked if there were any questions. None were brought forward.

**D. Gunnison Basin Roundtable:** Julie Nania gave a verbal report on the meeting that was held on September 21, 2020. She said the group is moving ahead with J-U-B Engineers and working on the Basin Implementation Plan. Julie said they are starting to provide some feedback on some of their agricultural assumptions and trends. There were also conversations about GBRT grant financial support since there will probably not be a lot of funding available from the State over the next three years. Discussion was held about how to prioritize grant applications to meet funding needs. Kathleen Curry

also brought information to the group from a state coalition that is reviewing forest health and potential impacts to watershed.

**E. Update on Scientific Endeavors:** Sonja Chavez said she will update the Board at next month's meeting regarding the MOU's to be developed with Western State Water Partnership for the doppler radar.

Sonja reported that she has been having some great conversations with cloud seeding and snow monitoring partners and that all parties agreed there needs to be more communication and collaboration on scientific endeavors occurring in the basin. Sonja said we may be able to "fast track" the SNOTEL Lite location on Cottonwood Pass. Rosemary Carroll announced, however, that she had just received an email from the Forest Service saying the project would be held up as they "don't know if they can get to it before the snow flies." If not, they said they will get back on it come spring.

**F. Aspinall Unit Releases:** A report of releases was included in the Board packet.

**G. Augmentation Plans:** A report by Beverly Richards was included in the Board packet.

## **5. BREAK**

## **6. UPPER BASIN DEMAND MANAGEMENT ECONOMIC STUDY IN WESTERN COLORADO – Doug Jeavons, BBC Research**

Mr. Jeavons reported that his team spent 18 months conducting the study. He said participation in a demand management program is voluntary, so participants need to see some economic benefits from participating. He noted that the key question coming from the study is where would the compensation come from? He said that if the funding comes from outside western Colorado, there is more benefit to the local economy because otherwise it is just shifting State funding from one source to another. Bill Nesbitt asked if the monies could come from the front range and whether or not the legislature could mandate the program. Would it be government funds or corporate money to support the compensation? Doug said we just don't know at this point. Stacy McPhail also asked if the longer fallowing goes on, won't that have secondary impacts on the infrastructure over time? Doug agrees that if the program continues for several years, it would limit participation due to such infrastructure effects year after year. Doug said it is yet to be determined if there is a tipping point where demand management programs could not be

sustained economically. Doug said feel free to contact him with further questions.

**7. Ballot Question 7A (MISCELLANEOUS MATTERS)**

President Michelle Pierce asked that we skip ahead in the agenda to the mill levy issue since Peter Fleming of the Colorado River Water Conservation District was waiting via teleconferencing to answer any questions. Mr. Fleming explained that there are restrictions on what he can do and say about the ballot issue but that he would be happy to answer any questions. In response to a question from Bill Nesbitt, Mr. Fleming said that the River District has made public their press release explaining the addition of 7A to the ballot. He also stated that the River District has received statements and resolutions of support from other districts.

**Bill Nesbitt moved and Stacy McPhail seconded that UGRWCD adopt Resolution 2020 – 03 in support of Ballot Question 7A. A roll call vote was conducted. Results of the roll call vote:**

<b>Rosemary Carroll</b>	<b>yes</b>
<b>Joellen Fonken</b>	<b>yes</b>
<b>Stacy McPhail</b>	<b>yes</b>
<b>Julie Nania</b>	<b>yes</b>
<b>Bill Nesbitt</b>	<b>yes</b>
<b>John Perusek</b>	<b>yes</b>
<b>Michelle Pierce</b>	<b>yes</b>
<b>George Sibley</b>	<b>yes</b>

**The motion carried 8 - 0.**

**8. 2021 BUDGET DISCUSSION**

**Discussion of Draft Goals and Activities for 2021**

Sonja Chavez went line by line through the draft budget for 2021 and pointed out some changes from this year’s budget. Discussion followed about eliminating the monies allocated for “Dust on Snow” and using those funds for other areas.

There was discussion and questions about Public Outreach and since Sonja feels the district is now getting better utilization of the mini-grant program at the schools, this line item should stay at the current level. There was

discussion about how to handle the Western Water Workshop. They have not been able to have an in-person conference during the Covid-19 pandemic and were struggling with how to spend the funding and they have changed the program format (i.e. No longer doing a “Water Workshop”). Sonja discussed funding needs for improvements to the building and audio-visual improvements for the board room.

Discussion then moved into watershed group funding support. The Coal Creek Watershed Coalition (CCWC) report was included in the Board packet and they requested \$10,000 in funding support for 2021. Sonja indicated that the Lake Fork Valley Conservancy (LFVC) made a verbal request to her for an equal amount in 2021. She recommended that consistent with her requirement to the CCWC, that the LFVC be reminded that they submit their 2020 report to the District along with their 2021 letter of funding request by the October Board meeting. Adjustments will be made to the draft budget for further discussion at the October Board meeting.

## **9. CITIZEN COMMENTS**

Bill Trampe attended via teleconferencing and just wanted to hear that the district had approved support of the Ballot Question 7A.

## **10. FUTURE MEETINGS**

The Watershed Management Planning Committee will meet at 1:00 PM on October 12.

The next board meeting will be held on October 26 at 5:30 PM

The Gunnison Basin Roundtable will meet at 4:00 PM on November 16.

## **11. SUMMARY OF MEETING ACTION ITEMS**

John McClow will draft a letter to the CBMBA Board of Directors regarding their grant award stipulations and addressing the Strand Ditch problems.

John McClow will draft a letter to B.A.M.P. informing them of the structural repairs to be made to 210 W. Spencer and their share of costs.

Sonja will reach out to Four Parties directly regarding the installation of two additional Taylor Reservoir stream gages to try to garner their long-term financial support.

**12. ADJOURNMENT**

Board President Michelle Pierce adjourned the September 28, 2020 meeting at 8:15 p.m.

Respectfully Submitted,

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George Sibley, Secretary

APPROVED:

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Michelle Pierce, President

DRAFT