

**Upper Gunnison River Water Conservancy District
Regular Board Meeting Minutes
Monday, April 25, 2022**

The Board of Directors of the Upper Gunnison River Water Conservancy District (UGRWCD) conducted a regular meeting on Monday, April 25, 2022, at 5:30 p.m. in the District office, 210 West Spencer Avenue, Suite B, Gunnison, CO, 81230 and via Zoom video/teleconferencing.

Board members present: Sara Bergstrom, Rosemary Carroll, Joellen Fonken, Rebie Hazard, Stacy McPhail, Julie Nania, Bill Nesbitt, John Perusek, Michelle Pierce, Don Sabrowski, and Andy Spann.

Others present:

Cheryl Cwelich, UGRWCD Watershed Programs Coordinator

Sonja Chavez, UGRWCD General Manager

John McClow, UGRWCD Legal Counsel

Luke Mecklenburg, Colorado Attorney General's Office

Beverly Richards, UGRWCD Water Resource Specialist

Jill Steele, UGRWCD Accountant

Brian Stevens, Bureau of Land management

1. Call to Order

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

2. Agenda Approval

Michelle said there are three additions to the agenda: 1. USGS request for funding for algal studies. 2. Discussion of draft IGA with Gunnison County for cheat grass coordinator. 3. Request for resolution in support of the District's WaterSMART grant application to Reclamation for development of a Drought Contingency Plan.

Bill Nesbitt moved and Stacy McPhail seconded approval of the agenda as amended. The motion carried.

3. Consent Agenda Items

Stacy McPhail moved and Bill Nesbitt seconded approval of the consent agenda items. The motion carried.

4. Legal and Legislative Matters

John McClow said he provided a copy of the State's Petition for Certiorari in the Hill v. Warsewa case, which the board has previously discussed. He said the petition is self-explanatory and asked if there were any questions.

Bill Nesbitt asked John to talk about public trust doctrine piece that was discussed in the Court of Appeals decision. John said the primary reason the Colorado Water Congress and Attorney General's office are participating in case is that it has significant public trust implications. Although the parties have not specifically raised it, the Court of Appeals ruling implied that the trial court could consider a public trust document. This is not consistent with Colorado law, and at this point, the Attorney General and Colorado Water Congress agree that is not appropriate, and that is why they are pursuing a Petition for Certiorari.

Bill Nesbitt asked about Senate Bill 22-029, the water speculation bill. John said it was killed in committee last Thursday. Ironically, Senator Donovan voted against her own bill.

5. Presentation by Brian Stevens, BLM – Forest and Watershed Health/Potential Treatments (North Powderhorn Project)

Brian Stevens, Bureau of Land Management Environmental Specialist, gave a presentation on the BLM's North Powderhorn Fuels Treatment Project. Brian said he began his firefighting career in the Pacific northwest in 1992 and has worked in many places in the west and has now been in Gunnison almost 22 years.

Project Objectives include mimicking small-scale disturbance on the landscape, improving timber stand resiliency against catastrophic fires, and establishing timber species regeneration.

Brian said that conditions in 2013 in the Papoose fire were similar to what we see in Powderhorn and much of Colorado and the west. Lots of standing, dead timber. In the Papoose fire, the area was heavily impacted by the spruce beetle in 2004, then in 2013, a lightning strike caused the fire to take off. It was a high intensity, high severity fire similar to what we are seeing with recent wildfires across the west. He has been actively sampling larger dead tree fuel moisture. They were at 45% in 2016, and now are at 13%. This makes those vegetative fuels easier to ignite. In high heat, high intensity fires, the material will burn for years or months, cooking the organic matter out of the soil. This causes water quality issues, mudslides, and the soil blows away. In the Papoose fire burn area, where there used to be Lodgepole Pine and Englemann Spruce there is now scrub. The scrub area will burn more frequently than if it were reforested as fire typically returns to these areas every 10 years, versus 100 years in a lodgepole pine forest. It will take hundreds if not thousands of years for intensively burned areas to regenerate.

Brian presented a map of potential fire behavior and a map of drought conditions from 2000-2022 for Colorado. With the extremely heavy fuel loading we have in the wilderness area, if we let a fire burn in the summer, it will probably not achieve the ecological result we want. The organics would be burned out of soil and the seed bank would burn. Recovery is especially tough at high elevation. The answer is more and smaller treatments across the landscape in all different vegetation types and at the appropriate time. The ability to pick a burn window, location, time of year, is very important. Prescribed fires in the wilderness are desirable and very important as we've been suppressing fire for way too long and our forest vegetation has become incredibly dense and composed of one or two age classes. We need to educate our public that this just isn't natural.

Director Fonken asked if there were a prescribed burn in Powderhorn, would that region come back with the same type of trees? Brian said hopefully it will. He would like to see aspen come back because it doesn't burn as hot as other trees. The BLM wants to promote the sub-alpine fir and Englemann Spruce regeneration. If you have a smaller disturbance, a smaller footprint, your seed source is close by and it reseeds more quickly.

Director Nania asked if once the fuel load is reduced by prescribed burns, will it be possible to allow a more natural fire. Brian said yes, it would. Julie asked if they have a good monitoring plan. Brian said they have been collecting vegetative data and wildlife data including lynx and snowshoe hare. They will soon begin collecting pre- and post-prescribed fire soil and water quality data as well.

Director Sabrowski referenced the decrease in moisture in the fuel and asked if the BLM is confident the fire will not get extremely hot? Brian said some of it probably will, but it will be a lot less intense than if it weren't controlled. Some burns will likely be done in the fall after a dusting snow. We have an idea of the conditions we want for conducting prescribed burns. Don asked if there was any movement with regard to legislation because of the severe droughts such that we can get in there and eliminate some of it? Brian said, people are starting to realize there is a problem with this all across the west.

Director Carroll asked Brian how they decide between fire treatment and mechanical removal. If an area is 100% dead in a forest, do you treat the whole hillslope, or treat selectively to keep some structure? Brian said they want to keep some structure.

Brian said that in order to look at fire, insects, or disease, you need an objective and then that objective drives what you do. John Kaminsky said it is the goal to do the minimum amount of intrusion that you can do to achieve your objective, which is field protection. The idea is not to intervene, but to have people standing around ready to intervene if needed.

Director Spann asked if this is an agency philosophy change. Is there buy-in across the BLM agency to move these treatments forward? Jon said the challenge now is to educate the public and get them out of the mindset that wilderness areas should be untouched by man. If we hadn't been suppressing fires in

these wilderness areas, they would be touched by fire naturally. Instead of 70 acres of dead stuff, we will have small patches of dead stuff. The BLM will be doing more public outreach and talking about the benefits and risks of doing nothing, and those of taking a measured and managed approach.

Brian said there is a huge risk associated with doing nothing. When you see before and after photos from some of these large fires, you'd say you wish we'd decided to be more proactive as restoration is next to impossible with high intensity fires.

Director Hazard said she is glad they followed up with downed, dead timber. After years and years, that aspen will burn really hot. She said burning smaller patches will make the fire easier to control, and it will likely be more acceptable to people.

Sonja said that the UGRWCD has been participating in the same Upper Gunnison Shared Stewardship Council that Brian has also been participating in and she thanked him for serving on the technical committee for the Upper Gunnison fire risk assessment. She plans to have presentations and discussion on watershed health and wildfire risk as part of the Upper Gunnison Basin Water Roundup conference on June 9-10.

Director Nania said it would be interesting to try to integrate the vegetation management with some of the watershed sciences and erosional issues. She said that the District has looked at where we can re-wet areas. She would like to discuss two other forms of natural fuel break with BLM as well.

6. Break

7. Basin Water Supply Update

A basin water supply update was included in the board packet. Bev Richards said that our area is in moderate drought and abnormally dry conditions, about the same as it has been recently. Most of streamflow gages are normal to much above normal in Gunnison basin, however there was a spike in streamflows which occurred last week indicating that snow melt has begun. Bev said that luckily the weather conditions over the past weekend slowed things down a bit.

The 30-day-term precipitation forecast indicates that the area of Gunnison, Hinsdale and Saguache counties and much of the southern part of the State will have a 40 to 50% probability of below normal precipitation. Temperatures are forecasted to be above normal for the same period.

As of April 18, reservoir storage in the entire Gunnison Basin was at 58% of full. Taylor Park and Blue Mesa reservoirs are at 54% and 29% respectively. The forecasted inflows from April – July are at 67% of average.

Unregulated inflows to Lake Powell in March were 3.29 thousand acre feet and the released volume from Glen Canyon in March was 5.74 thousand acre feet. End of March elevation and storage in Lake Powell were 3,523.13 acre feet and 24% live storage capacity.

April to June anticipated releases from Lake Powell are 17.87 thousand acre feet.

Lake San Cristobal is at an elevation of 8,994.43 feet. Flows out of the reservoir are at 28.7 cfs and current flows at the gage at the Gateview gage are at 78.8 cfs.

The Gunnison County Cloud Seeding program concluded April 15, 2022. There were 21 storm events from November 21 – April 22. Generator hours were 1,488, which includes the remote generator at Irwin. Total snow water equivalent accumulation from seeded events was 131.7 inches.

There was a severe dust event April 11 from widespread high winds. Snowstorms quickly followed, so that dust is buried along with other layers of dust.

Colorado Airborne Snow Measurement flights began April 19 on the Taylor and Est Rivers and will continue through June

WRF hydro streamflow forecasting provided interim information with each snow-on flight. Additional, snow-free flights and data work will be conducted this summer and fall

Data workshops will take place with the CASM workgroup to explore different ways that ASO data can be used among all water stakeholders.

RMBL came to us with a support letter for the National Ecological Observatory Network (NEON) Flight project which includes airborne surveying done during peak greenness to help inform water managers on the timing of snowmelt as it applies to certain vegetated areas. Flights are done March thru October.

Gap radar, located near Blue Mesa Reservoir, will be installed beginning in late July and should be fully operational by late September.

Bev Richards attended a Colorado climate and drought webinar the other day and heard that la nina may stick around a third year and as a result, there will be above average risk of fires and low water storage again this year.

Sonja Chavez said that she spoke with Garret Cammans, of North American Weather Consultants, and he indicated there were some issues this year working with a landowner on Black Mesa where there was a manually operated cloud seeding generator installed. Garrett recommended installation of a remote generator like the one at Irwin. Sonja is working with Garrett on potential cost. The Bureau of

Reclamation is beginning to have an interest in cloud seeding, so the hope is that they might help fund some of the generator sites in the future. Joellen Fonken said a few people in the public mentioned to her that we were no longer doing cloud seeding which is incorrect. She would like to have a cloudseeding article or press release, perhaps in the spring or fall. There was support for this idea and Sonja indicated that staff would work on a newspaper article.

John McCLOW said that Assistant Secretary Trujillo recommended that releases from Glen Canyon Dam to the lower basin states be reduced from 7.48 million acre feet to 7 million acre feet. The seven basin states sent a letter concurring with that recommendation, and he expects to see that this year the release will be reduced to 7 million acre feet.

8. General Manager, Staff and Committee Updates

Treasurer's Report: Board Treasurer Bill Nesbitt said there is lots of talk of the Fed raising interest rates, he has heard .50% to a full 1%. Stay tuned.

General Manager's Update: Sonja Chavez said she was sworn in as new member of the Water Quality Control Commission. She was informed that she should recuse herself if there is board discussion of any of the Regulation #35 hearings included in her memo. There was no discussion.

Sonja said that the District has submitted multiple grant applications since the March 22, 2022 meeting and has also written several letters in support of Congressionally Directed Spending (CDS) requests. Summary of grant applications in support of District activities:

- 1) GOCO Grant Application in support of Wet Meadows (\$158,100)
 - 2) CDS request in support of Wet Meadows (\$640,000)
 - 3) U.S. FWS Call for Proposals in support of Wet Meadows (\$955,158)
 - 4) WaterSMART Drought Contingency Planning (DCP) Grant (\$140,480)*
- TOTAL: \$1.9M**

Request for Board Action: The WaterSMART DCP grant application requires a board resolution in support of the proposed project. Resolution 2022-02 is presented for the board's approval in support of the Upper Gunnison River Water Conservancy District Drought Contingency Plan (DCP).

Stacy McPhail moved and Joellen Fonken seconded approval of Resolution 2022-02 in support of the Upper Gunnison River Water Conservancy District Drought Contingency Plan (DCP). The motion carried.

Request for Board Action: The USGS is requesting \$30,000 from the Upper Gunnison District as cash match for its High-Frequency Water Quality Sampling Project to Support Harmful Algal Bloom Studies in Blue Mesa Reservoir.

Bill Nesbitt moved to support the High Frequency Water Quality Sampling Project to Support Harmful Algal Bloom Studies in 2022 by making a cash-match contribution of \$30,000 this fiscal year. Rosemary Carroll seconded.

Rosemary said she would like to see a presentation by USGS on the study both before and after the project.

The motion carried.

Wet Meadows Program Update: Cheryl Cwelich asked if there were questions on her memo in the packets. There were none.

Education & Outreach Update: We received notification that the Rotary fishing tournament cancelled. They will return the \$1500 the District provided for the event. Note that Sonja had incorrectly indicated a figure of a \$150,000 instead of \$1,500 in her memo in her memo.

Taylor Local User's Group Update: April 7 Meeting Summary: Director Sabrowski went over the April 7, 2022 memo from the board packet. It is forecast to be an average year, with minimum storage of 70,000 acre feet at the end of October. It was suggested at the March TLUG meeting that since it is an average year, we increase the year-end storage goal to 73,000 acre feet. TLUG initially ran with that but then decided to use 70,000 acre feet in the final June flow recommendations as the minimum storage objective per the stipulation. The group will still operate as conservatively as possible knowing the inflow projections from CBRFC regularly fall throughout the season in drought years.

Suggested releases are as follows:

April 16-30: 125 cfs
May 1-15: 140 cfs
May 16-31: 250 cfs
June 1-15: 375 cfs (plan for five day flushing flow of 445)
June 16-30: 350 cfs
July 1: 350 cfs
August 1: 300 cfs
September 1: 300 cfs till sept 25, then to 250 cfs.
October 1: 125 cfs

The next TLUG meeting will take place May 5, 2022 and will include Eric Knight's May 5 projection. Don said he is worried about soil moisture, even though the prediction is for average flows and that the models take into account the soil moisture. Hopefully the forecasted flows will be more accurate this year. TLUG will strive to be as conservative as possible while still taking needs of all users into consideration.

Director Spann said he hopes we have an average year. He supports being as conservative as possible and temporarily storing/being conservative with releases. Everyone has been taking a hit in late August and September with regard to flows. He said Don did a really good job at the TLUG meeting and he said that everyone is thinking about the best thing to do for all.

Scientific Endeavors: Rosemary Carroll said that ASO flights for April – June have been scheduled. Thursday was the first flight; they were delayed due to weather. All of the Taylor and East Rivers were done in one day. The total amount of snow estimated in the East River is 177,000 acre feet (uncertainty around numbers are 168,000 - 186,000 acre feet). Snow estimated in Taylor River Basin is 119,000 acre feet. They also use a spectrometer to measure dust on snow. Dust anywhere in top 30 cm will accelerate melt.

Rosemary said she serves on the advisory council of Hydrogen. They have used the Taylor River as a proof of concept using complex physical hydrologic models and building machine learning around it, so the models are thousands of times faster. Then they build around this a nice user interface for water managers, irrigators, etc., can go in and input "what ifs." Second phase. Once product finalized she'd like to have come and do a demonstration and show us what the model can do.

Gunnison River Festival Update: Director Fonken said that every time we meet there is a desire from some group to add more activities. The Gunnison Waves wanted to do their Surf Jam, but it would take too much time to put it on Saturday with the other events, so it will be on Sunday June 12 from 11:00 a.m. - 1:00 p.m. They are trying not to compete with the Lake San Cristobal activities, but she feels these are two very different user groups and they will not compete. The Lake Fork Valley Conservancy will put on some demos for SUPing, etc. The following day, Monday, will be the ribbon cutting for the peninsula.

Sonja said that she received a draft Inter-Governmental Agreement from the County related to the Cheat Grass coordinator position. We are currently providing \$4,200 in funding from the Wet Meadows NFWF grant and she reminded the District Board that she came to them earlier about funding on an annual basis. She was not aware that they would be asking supporters to enter into an IGA, she doesn't wish to direct or control this position in any way, she would recommend that the Board not sign the IGA with current language that indicates possible legal action if the District Board was not able to provide funding in a given year. She feels that this position was County led and that the responsibility should remain with the County and that if they'd like our help informally we should provide. The District's

only possible ask is that the Cheatgrass Coordinator try to participate in the Wet Meadows Program group meetings when possible to keep each other aware or potentially have a Cheatgrass subgroup as it relates to sage grouse, climate change, etc.

9. Miscellaneous Matters

Sonja reminded the board that the deadline to apply to fill upcoming board vacancies is approaching quickly. Andy Spann, Stacy McPhail, Sara Bergstrom, and John Perusek are the directors whose board seats expire this year. They have until May 27, 2022 at 5:00 p.m. to submit letters of interest to Judge Patrick.

10. Citizens Comments

Luke Mecklenburg said that he is new to the Colorado Attorney General's office and is getting informed/caught up.

11. Future Meetings

TLUG meeting – May 5th at 10:00 a.m.

Watershed Management Planning Committee Meeting – May 11 at 1:00 p.m.

Gunnison Basin Roundtable meeting – May 16 at 3:00 p.m.

UGRWCD Board Meeting – May 24th in Lake City

Deadline for letters to Judge for UGRWCD board vacancies – May 27 at 5:00 p.m.

May 30, Memorial Day, office closed

Financial Audit by Paul Miller – May 30 – June 3

UGRWCD Water Roundup at IBar Ranch – June 9 and 10.

Gunnison River Festival 20th Anniversary – June 10 – 12.

Bill Nesbitt requested that the Education and Outreach Committee schedule a meeting.

Sonja said there will be a wildfire discussion and movie on April 27 at the Center for the Arts at 5:00 p.m. The Crested Butte Fire Protection District is sponsoring the event.

12. Summary of Meeting Action Items

- Deepen collaboration with BLM and others on watershed health, vegetation, fire management.
- Bev will write an article about science of cloudseeding and UGRWCD Program.
- Talk to Brian Stevens or Jon Kaminsky about serving on fire panels at conference.
- Ask USGS to present on study on harmful algal blooms in Blue Mesa.
- Invite Jeff Deems to give a presentation to us on ASO.

13. Adjournment


Board President Michelle Pierce adjourned the April 25, 2022 meeting at 8:24 p.m.

Respectfully Submitted,



John Perusek, Secretary

APPROVED:



Michelle Pierce, President