

**Upper Gunnison River Water Conservancy District
Meeting Minutes of the Board of Directors
Monday, November 28, 2022**

The Board of Directors of the Upper Gunnison River Water Conservancy District (UGRWCD) conducted a regular Board meeting on Monday, November 28, 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 (via Zoom), Bill Nesbitt, Michelle Pierce, John Perusek (via Zoom), Don Sabrowski and Andy Spann.

Board members absent: None

Others present:

Sonja Chavez, UGRWCD General Manager
Cheryl Cwelich, UGRWCD Water Resource Specialist I
Jesse Kruthaupt, Trout Unlimited (via Zoom)
John McClow, UGRWCD General Counsel
Luke Mecklenburg, Colorado Attorney General's Office (via Zoom)
Beverly Richards, UGRWCD Water Resource Specialist II
Sue Uerling, UGRWCD Admin. Asst/Communications Specialist

1. CALL TO ORDER

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

2. AGENDA APPROVAL

Director Bill Nesbitt moved and Director Rebie Hazard seconded approval of the revised agenda as circulated. The motion carried.

3. CONSENT AGENDA ITEMS

Director Julie Nania requested a minor change to the October 24th Board Meeting minutes as follows: At the end of the Mount Emmons Lake Exchange paragraph which concludes at the top of page 11, it should read "provide input to the United States Forest Service" instead of "provide input through the Water Quality Control Commission."

Director Joellen Fonken moved and Director Sara Bergstrom seconded approval of the consent agenda items with the correction noted to the October Board minutes. The motion carried.

4. LEGAL AND LEGISLATIVE MATTERS

General Counsel John McClow reported that the 2023 legislative session will commence on January 9, 2023. So far, only two measures have made it into bill form. One bill is to make the Colorado General Assembly Interim Water Resources and Agricultural Review Committee into a permanent year-round committee. The second would be a “study bill” to study high altitude snowpack as water storage. John noted that the bill’s sponsor, Hugh McKean has since passed away and that it is difficult to get a bill through the process without a sponsor. John noted that he would likely convene the UGRWCD Legislative Committee in mid-January 2023.

A couple of other measures coming down the pipeline are a bill to limit the state engineer’s participation in water court and a bill to provide local authority to ban ditch burning during red flag warnings. John believes local authorities already have this right but apparently it is not uniform across the state.

Director Nesbitt asked John to report on the beaver legislation and said there is a ground swell about it from the Gunnison Sage Grouse constituency. John said he has not seen a draft of such legislation yet but had heard some concerns. Director Rosemary Carroll asked Bill who the group was locally that had concerns and Bill replied that it came out at the Gunnison Sage Grouse Pre-Application Conference that included Colorado Parks and Wildlife, Gunnison Conservation District, the City and County of Gunnison and others. Bill noted that although he is not fully aware of the process, he believes that the group will make a formal recommendation to US Fish and Wildlife about land designation to protect the sage grouse in an area where the Beaver Believers are working to restore beaver habitat.

General Manager Sonja Chavez asked John if he could provide more detail about the legislation to limit the state engineer’s involvement in water court. John reported that he has only seen an outline so far but that there are some individuals who believe the state engineer is too active in the water court and want to limit his involvement.

Director Joellen Fonken asked if there have been any further updates on the Meridian Lake Reservoir project that was reviewed at the October Board meeting. John said he has not heard anything more from the Mt. Crested Butte Water and Sanitation District.

5. BREAK

6. BASIN WATER SUPPLY UPDATE

In order not to get ahead of our scheduled time for the Public Hearing on the 2023 Draft Budget, President Michelle Pierce asked Water Resource Specialist II, Beverly Richards to go ahead and give her Basin Water Supply Update first. Beverly noted that her memo in the Board packet included all of the pertinent details. Snowpack declined since she wrote the memo and is now at 79 percent of average. She also pointed out that Saguache County has had low precipitation..

Since it was not yet 6:15 p.m. for the start of the Public Hearing, President Pierce asked Treasurer Bill Nesbitt to give his report.

7. Treasurer’s Report: Treasurer Bill Nesbitt reported there is no rationale for the varying returns on US Treasuries, as some of the shorter-term treasuries are currently earning more interest than longer term treasuries. Bill said the big economic news today is China where there have been protests against their strict Covid policy which restricts its citizens from leaving home or work during an uptick in Covid cases.

Bill reported that the US is still not technically in a recession as jobs were up and there is “job inflation” all over the country. He said the Federal Reserve will meet this Wednesday and is expected to raise interest rates another 50 basis points. They could raise another 50 basis points at their January meeting as well.

8. PUBLIC HEARING ON 2023 DRAFT BUDGET

Board President Michelle Pierce announced that we were convening the public hearing. There were no public comments presented about the 2023 Draft Budget. President Pierce concluded the Public Hearing.

9. BOARD DISCUSSION ON PUBLIC HEARING COMMENTS

Since there were no public comments on the budget, the Board did not hold any further discussion.

10. GENERAL MANAGER AND COMMITTEE REPORTS

General Manager’s Report:

Doppler Radar Update: In addition to her memo in the packet, General Manager Sonja Chavez reported that there has been another delay in the installation of the radar. Currently, the radar is still mounted on the trailer, but has not been installed in its permanent location and with snow and freezing temperatures, it will likely not happen this winter. Sonja said the entity (Western States Water Partnership) has been a little disorganized and is getting familiar with what it will take to get these projects on the ground. Board members discussed whether the upgrade would require additional infrastructure or an upgrade in software and Sonja responded that she thought it was just a software upgrade. Sonja said that the District and none of the other funding partners have any financial obligations at this time.

District Grant Program – Water Resource Specialist Beverly Richards reported that some minor updates were made to the Grant Packet, based on the feedback given from applicants after the last cycle. Beverly has submitted the Completed Project Instructions to Grant Committee Chair Joellen Fonken for review and then all of the materials will be ready to go. Beverly also noted that the advertisements announcing the program have been improved to be less wordy and more eye catching. The ads will begin running the week of December 5th for two weeks and will run again in January for two weeks. Director Fonken noted that the District will no longer be offering the grant application training webinar via Zoom, as it was poorly attended last year, and instead now all applicants will be required to contact the District directly prior to submission of their application. This will allow one-on-one consulting for any questions and the District will have a better idea in advance about the number, the types and amounts requested for grant applications that will be submitted.

Gunnison Basin Roundtable: – General Manager Chavez said the group met on November 21 and the following positions were elected: Chair is Wendell Koontz; Vice Chair is Kathleen Curry; Recorder is Mike Berry; and At-Large Representative is Steve Pope. Sonja said there was a report given from the Grant Review Committee which agreed to fund applications from the Uncompahgre Valley Water Users and the Crawford Clipper Ditch Company for the West Lateral Improvement Project. Sonja raised her concerns that the GBRT does not have a written policy for cash match requirement (i.e. required minimum cash match amount) for grant applications. She feels that larger entities like Bostwick Park, Uncompahgre and even the Upper Gunnison District have the capabilities to put in larger amounts of cash match and have access to a variety of funding sources versus smaller producers. Redlands Fish Ladder requested a letter of support for one of their projects and there was a brief mention that the Town of Crested Butte will be submitting an application for improvements on the Lake Irwin Coal Creek dam outlet.

Potential Watershed Protection and Flood Prevention (PI-566): Sonja said she will participate in a meeting tomorrow (November 29, 2022) with the Colorado Water Ag Alliance to discuss several larger water projects in our watershed that need funding. She will report any future significant developments to the Board.

Lower Colorado River Basin Tour (Note that Sonja’s memo said “Lower Gunnison” instead of “Lower Colorado”): Sonja reviewed some highlights of the recent tour she took with a group of about 40 water constituents to the Lower Colorado River Basin. The purpose of the tour was to understand Lower Basin issues in order to have informed conversation around development of policy. She said that after seeing the incredible amount of money and storage and infrastructure they have to move water around within the system, she doesn’t feel real sympathetic when you compare it to what the Upper Basin. She said there were a lot of good conversations about their issues, which was helpful to understand the complexity of the situation.

Drought Contingency Planning Grant from USBR – Sonja reported that staff is working on SAM registration issues which are slowing the contracting process down. No additional information at this time.

Watershed Management Planning: Sonja reported that Beverly Richards and Cheryl Cwelich are working well together as a team to identify outstanding data gaps that need to be addressed in 2023.

Wet Meadows Program: Water Resource Specialist Cheryl Cwelich presented a video produced by Dr. Laura Norman of the Western Geographic Science Center entitled “Re-Greening a Dryland Watershed” (link to video: <https://www.usgs.gov/media/videos/re-greening-a-dryland-watershed>). The video covers the installation of thousands of rock detention structures in the Turkey Pen Watershed, of the Chiricahua Mountains in SE Arizona, which provided a 30-year case study to consider how low-tech and low-cost Natural Infrastructure affect dryland watersheds. The USGS systematic study, through observation and experiment, offers verifiable data that documents the efficacy of such structures as a Nature-based Solution, which can provide climate adaptation and mitigation benefits in the Chiricahua Mountains and beyond.

Following the video, Sonja noted that Cheryl will be determining what the District’s goals are for such a study in the Upper Gunnison Basin and will prioritize what needs to be completed first. Director Rosemary Carroll asked if a site location and budget had been determined for doing such a study. Cheryl answered that Dr. Laura Norman, who would lead the study, is currently in Mexico and will be providing a document for the District with a proposed budget and potential site locations when she returns. Sonja noted that the District’s goals may be different from some of the other partners’ goals, as they may want to focus more on the sage grouse habitat, for instance, whereas the District might want to focus on how such structures affect downstream users in order to modify legislation around the use of such structures with respect to downstream water rights. Sonja noted that the District will likely allow Dr. Norman to access funds for preliminary scoping so that she can focus on the study as a dedicated project within her agency.

Director Bill Nesbitt asked if the focus would be on public lands or if private landowners would be moving into this arena. Cheryl noted that at the beginning of the District’s entry to the Wet Meadows program, it started with a private property project on the Redden Ranch. In more recent times, she said the focus has shifted to public lands, but that in the upcoming year, they will be working again with private landowners, including the Allen Ranch and L&P Ranch. Cheryl said this will give the District the opportunity to truly demonstrate how these structures can benefit landowners in the long-term through erosion control and groundwater recharge.

Director Julie Nania asked if there was a way that we can coordinate this study with Ken Williams and potentially other science folks looking at these types of projects as this might help leverage funding for the study and give the opportunity to answer more questions from constituents. Julie noted that the National Forest Foundation is also interested in this subject and that if we could pool some resources with other interested parties, this would give the study a shared buy-in and shared understanding of the results. Cheryl mentioned that Dr. Laura Norman had also said that there is a National Infrastructure Bill that we might be able to leverage for additional funding and Dr. Norman indicated that she might be able to bring on someone from the USGS to assist with the study. Ken was invited to the meeting but did not attend. She will reach out to him again.

Director Don Sabrowski asked Cheryl if she thought it was possible to apply the data outlined in the video to flood-irrigated land in the Ohio Creek and Tomichi Creek drainages as those fields act like sponges when they are irrigated and the water gets returned/reused multiple time down the system. Cheryl replied that they are looking at sites where there is potential impact to downstream agricultural users and she thinks it will be interesting to see if the data collected from the study in our area shows that such rock structures can be used as a means for irrigators to slow down the water and keep it here for longer use.

General Manager Sonja Chavez also reported that she has had some discussions with Kathleen Curry and Greg Peterson about doing some research on the Peterson Ranch to get a better understanding of how split season irrigation might affect streamflow and soil recharge on the Tomichi. Sonja said she was hoping to get the USGS on board for this type of research under the NWGOS study, but they chose to go a different direction. Sonja noted that this might be research that the District will want to consider funding directly.

Director Rebie Hazard asked if there would be a need for some sort of permitting to conduct the Wet Meadow study and what consideration would be given to downstream water rights holders to prevent any lawsuits. Sonja replied that the District would recommend the paired watershed study begin in an area where there are already rock structures in place, such as Flattop. The control site would be studied and then we'd look at the response of the control. Sonja agreed that it would be important to get agreement from any participating or affected water right holders in advance of the project. She hopes to invite other agricultural users to visit the L&P Ranch and observe first-hand how these structures are able to help retain water and recharge the system.

General Counsel John McClow noted that Cheryl had assembled all of the Wet Meadows' partners post-season along with local water commissioners and Division Engineer for Division 4 (Bob Hurford) to review the water rights administration and water law with respect to such projects so that conflicts can be avoided in the future. John noted that Cheryl has been cleaning up issues that were brought on by her predecessors and that such conflicts won't happen again in the future. Sonja said that whatever we can do legally to hold water in our basin longer, it is to the benefit of our water users and we should be taking full advantage of our water rights.

Director Bill Nesbitt asked about whether natural beaver dams or those being artificially created also have an effect on downstream water users and if they are protected. Sonja noted that in the post-season meeting there were discussion about the Beaver Believers projects and Dayle Funka of the US Forest Service has been made aware of the District's concerns and will be apprised of proposed legislation regarding said structures. Dayle has agreed that Cheryl will be invited to USFS planning meetings related to the Beaver Believers projects on forest service land and will be apprised of their plans in the Taylor River basin since the District has water rights in the area where the Beaver Believers have identified 3,000 structures as the historic capacity of the area.

Education and Outreach: A memo and photos of various Education and Outreach projects were shared in the packet and during the Board meeting. Director Sara Bergstrom thanked Director Bill Nesbitt for

emailing the video “Where’s Our Water” from the Grand Lake Area Historical Society. Bill said that this video could perhaps serve as a template for a “Water 101” prototype and be used by Board and staff for 30-40 minute presentations.

Scientific Endeavors: Director Rosemary Carroll reported that four ASO flights are scheduled for this winter. Two ASO flights will occur with a focus on water resources (e.g. peak SWE and partial melt SWE). Two flights will occur in concert with SAIL research at RMBL that bracket a single large snow event. However, Rosemary said the cost of these flights have gone way up so they are now scrambling to find some additional funding to cover the increase.

Rosemary said that the Department of Energy is sponsoring two “University Calls” or funding opportunities for researchers outside the National Labs. One RFP is focused on atmospheric sciences and the other on Earth System science. She expects some of the funding will support research in the area. She also said these grants are very competitive.

Rosemary also reported that she will be attending the International Conference called the American Geophysical Union. It is the largest conference in the world for environmental scientists, which will take place in Chicago in December. She said they are anticipating approximately 25,000 scientists from all over the world to attend.

10. MISCELLANEOUS MATTERS

General Counsel John McClow reported that he had submitted the opt out letter for the state’s FAMLI leave program and has received a confirmation from the state of their receipt of the letter.

11. CITIZENS COMMENTS

Luke Mecklenburg from the Colorado Attorney General’s office thanked the District for letting him sit in on the meetings.

12. FUTURE MEETINGS

Information on future meetings was included in the Board packet.

Director Bill Nesbitt reported that the Colorado Water Congress will hold their next conference the third week in January.

Water Resource Specialist Beverly Richards noted that at the Watershed Management Planning meeting on December 7th at 1:00 p.m., Katie Jagt will be presenting her final assessment report and that everyone is welcome to attend.

Director Don Sabrowski thanked Sonja and Director Stacy McPhail for agreeing to make a presentation to the Gunnison Stockgrowers Association on December 8th.

13. SUMMARY OF MEETING ACTION ITEMS

General Manager Sonja Chavez will send photos from her tour of the Lower Colorado River Basin to Director Rosemary Carroll and the rest of the Board of Directors.

14. EXECUTIVE SESSION

Director Bill Nesbitt moved and Director Rosemary Carroll seconded approval to move into Executive Session pursuant to § 24-6-402 (4)(f)(I) Colorado Revised Statutes to discuss personnel matters. The motion carried.

No action was taken following the Executive Session.

15. ADJOURNMENT


Board President Michelle Pierce adjourned public portion of the November 28, 2022 meeting at 7:15 PM.

Respectfully Submitted,



John Perusek, Secretary

APPROVED:



Michelle Pierce, President