

**Upper Gunnison River Water Conservancy District
Meeting Minutes of the Board of Directors
Monday, March 27, 2023**

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a regular Board meeting on Monday, March 27, 2023 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: Rosemary Carroll, Joellen Fonken, Rebie Hazard, Stacy McPhail, Julie Nania, John Perusek, Michelle Pierce, Don Sabrowski and Andy Spann.

Board members absent: Bill Nesbitt

Others present:

Sonja Chavez, UGRWCD General Manager
Cheryl Cwelich, UGRWCD Water Resource Specialist I
John McClow, UGRWCD General Counsel (via Zoom)
Luke Mecklenburg, Colorado Attorney General's Office (via Zoom)
Alana Nichols, UGRWCD Fellow
Beverly Richards, UGRWCD Water Resource Specialist II
Bob Robbins, Robbins Ranch
Devan Udall, Colorado College Student
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 Stacy McPhail moved and Director Julie Nania seconded approval of the agenda as circulated. The motion carried.

3. CONSENT AGENDA ITEMS

Director John Perusek moved and Director Joellen Fonken seconded approval of the consent agenda as circulated. The motion carried.

4. LEGAL AND LEGISLATIVE MATTERS

Legislative Report: General Counsel John McClow referred to the Legislative Report included in the packet. He noted that the stream restoration bill is still being rewritten. John also said there is a new bill being proposed by the Governor's office that gives the state a lot more control over land use. The governor is promoting it as a means of increasing affordable housing through higher density. John said that so far, he has only seen a draft of this bill.

Update to 1975 Taylor Reservoir Storage Exchange Agreement: John said he has spoken with the solicitor in Salt Lake City and with the Upper Colorado Regional Manager at the BOR urging them to work on updating the agreement. The regional manager seemed unaware of the need for the update, even though John contacted them initially over two years ago. John also sent an email to Ed Warner along with the other two gentlemen he mentioned earlier requesting that this matter be moved to the top of their pile and he received a reply that they will be "working on it."

State of Colorado System Conservation Pilot Program (SCPP) Submittals: John referred to the CWCB memo and spreadsheet he had sent to the Board which outlines the applications received by the UCRC from Colorado. He noted that together they total nearly 9,000 acre feet of projected water savings. SCPP proposals were accepted by the Upper Colorado River Commission (UCRC) through March 1, 2023. The UCRC has the final determination and will hold a public meeting to consider proposals and determine which to approve on April 10, 2023. John said the submittals are now public for viewing on the UCRC website and if anyone wants to comment on them, there will be an opportunity at the virtual public meeting on April 10th.

Update on Upper Gunnison Detailed Water Budget: General Manager Sonja Chavez reported that she and John met with a representative of USGS to work on developing the detailed water budget. Sonja said they encouraged her to first gather the necessary data and then create the model. Sonja said they also discussed how they will deal with privacy issues requested by landowners and how the District can work with them on this matter. They discussed the pros and cons of conducting the study through NGWOS (Next Generation Water Observing System) who is assessing the Colorado River and Upper Gunnison River basins as a national focus area. It was noted that under this type of study, local entities cannot control the direction the national study is going and that things can change abruptly, so we may not want to take this route. John noted that this meeting was the beginning of the follow-up from the special Board meeting held on March 6th. Director Rosemary Carroll asked if during this meeting, the parties talked about the national modeling being done under the USGS's IWP (Integrated Water Prediction) and IWS (Integrated Water Science) programs that involve simulating and predicting groundwater conditions and water availability. Rosemary noted that this modeling is being done on a broad national scale but that she thought data could be clipped for our basin that would be valuable to this process.

Review and Possible Amendments to the District's Bylaws – General Counsel John McClow said that the District's bylaws have not been amended in over 20 years. He reviewed the substantive changes including: language to reflect the most current decree under "Appointment and Qualifications" and language about the membership divisions and statutory references that have been revised by the legislature since the last time the Bylaws were updated under the "Oath and Bond" section. John noted that under the "Compensation"

section, the legislature has now determined that the maximum per year that can be earned by a member of the Board of Directors has been increased to \$2,400 per year. John said that if the Board wanted to increase their compensation accordingly, the District must petition Judge Steven Patrick to authorize the increase up to the \$2,400 maximum. John said this petition should not be complicated or controversial. There was discussion following about whether or not committee meetings should be compensated. General Manager Sonja Chavez noted that the payments for mileage are reimbursements for the expense and do not count towards the Board compensation. Director Joellen Fonken asked if the Bylaws should be changed in the interim to reflect the compensation rate of \$100 per meeting, since the Bylaws currently read \$75 per meeting. It was also noted that the compensation language does not define whether “meetings” also include committee meetings. John said that when the Bylaws were last revised, the District did not hold committee meetings.

John noted that he had also added language for the District’s website hosting and made a change to the Legislative Committee meeting notice language. He explained that currently, the Bylaws require that meeting notices are sent 48 hours in advance of committee meetings. During the legislative session, meeting notices therefore are required to go out on Wednesday mornings, but John does not get the finalized agenda on legislative matters from the State Affairs committee until Thursday morning. So frequently, the meeting notice is sent on Wednesday and then a cancellation notice has to be sent 12 hours later on Thursday morning because there are no matters of interest to the District on the agenda. John noted that this is just a matter of convenience for that committee.

On Item 11 Parliamentary Authority in the Bylaws, John is recommending that the District switch from using *Robert’s Rules of Order*, which are very complex, to using *The Modern Rules of Order* as written by Donald Tortorici.

President Michelle Pierce asked if the Board needed to adopt any of the suggested revisions tonight or if they could have some time to consider them. John said there was no urgency and that if the Board wanted to wait until the next Board meeting, this would give him time to update the records retention schedule for the district and include language about CORA (Colorado Open Records Act) requests, since the general assembly will have acted on this measure by the next Board meeting.

5. BASIN WATER SUPPLY UPDATE

Water Resource Specialist Beverly Richards referenced her report included in the Board packet. Bev noted that according to the drought monitor, Lake City is showing no drought conditions at all. She also reported that to date, there has been no dust on snow events this season and that Jeff Derry of Center for Snow and Avalanche Studies will be making his way up from Silverton to study our basin in the next few weeks. Director Rosemary Carroll noted that the ASO flights conducted recently also do not show any dust on snow yet.

Director Joellen Fonken asked if anyone was aware of any scheduled visits to measure the snowpack level on Cottonwood to please alert the county.

Director Don Sabrowski asked about the process for canceling scheduled cloud seeding events when there is a high risk for avalanche danger. Don wondered if it was defeating the purpose of cloud seeding to not seed when the weather conditions are optimal. General Counsel John McClow confirmed that ceasing seeding when avalanche danger is high is a condition of the permit issued by the Colorado Water Conservation Board. He noted that the District has no say in this permitting requirement.

6. TREASURER'S REPORT:

General Manager Sonja Chavez reported that Treasurer Bill Nesbitt is out of town and submitted a written report that failed to make it in the Board packet. Sonja did note that Bill did have a discussion with broker Robert Casaceli about possibly investing District cash in some treasuries. Since the Colorado Trust money market account is currently earning 4.78 percent and treasuries are yielding just slightly more, she's hesitant to tie up monies for a longer period of time, especially with the water budget study on the horizon which will require a significant output of cash.

7. GENERAL MANAGER AND COMMITTEE REPORTS

General Manager's Report: General Manager Sonja Chavez reported that there were several Congressionally Directed Spending (CDS) Requests submitted from the District and that she wrote letters of support for: Lake Irwin Source Water Resiliency Project (Town of Crested Butte); Western Slope Water Collaborative (Western Colorado University & Fort Lewis College); City of Gunnison Water Infrastructure Project; and the Upper Colorado River Basin Gap Filling Weather Radar Data Acquisition.

Sonja reported that she moved forward with the District's purchase of a 2023 Toyota Tacoma 4 X 4 truck with extended cab. After researching the vehicle, Sonja found that the Tacoma's really hold their value. She checked with several sources in-person while in Denver on District business and most dealers only had one truck on hand and to order one was going to be a three to nine month wait time, so she moved forward with the purchase given that the purchase had been approved and the board knowing that the cost might exceed the original \$40,000. She said the purchase price was \$45,250 which she negotiated down from \$47,000.

Sonja also reported that the District will be getting a refund of approximately \$15,000 from the University Corporation of Atmospheric Research for work that they had done without authorization. This actually happened twice, so Sonja asked that the monies the District paid for unauthorized work be returned.

Sonja reported that the District released a Request for Qualifications (RFQ) on March 17th for a consultant team to develop a drought contingency plan for the Upper Gunnison Basin. She said she hopes to have the team identified by April 6, 2023.

Watershed Management Program:

Sonja referred to the memorandum in the Board packet and asked if there were questions. None were raised.

Wet Meadows Program Update: Water Resource Specialist Cheryl Cwelich referenced her memo included in the packet and also reported that she is working with a member of the Ute Mountain Ute tribe to talk about restoration projects at Pinecrest Ranch, which is owned by the Ute Mountain Utes. Some Wet Meadows restoration work was completed at Pinecrest Ranch last year and Cheryl said they wanted to continue and foster the relationship that has begun with the tribe. On Saturday April 8, a family and other members of the Ute Mountain Ute tribe have been invited by the Wet Meadows Group, Colorado Parks & Wildlife, U.S. Fish & Wildlife and Western Colorado University, to observe a Gunnison sage grouse lek followed by lunch, scientific storytelling, traditional Ute dancing and a panel discussion on reciprocity and land management, at the west wing of the Leslie J. Savage Library on Western's campus. Cheryl invited Board members to attend if interested.

Grant Program Update:

Water Resource Specialist Beverly Richards reviewed her memo included in the Board packet and reported that the Grant Committee is recommending awarding funding to 18 projects throughout the basin. A total of 19 applications were received but one was not approved as the application was incomplete. Bev projected a map of the basin showing where all of the projects are located and gave a brief description of each application being funded and noted any contingencies the applicants must agree to in order to receive their awards. Specifically, several of the projects will require additional assessment and engineering by Applegate and/or Katie Jagt. Some may also require special permitting. With a couple of the projects, the District will just be funding the engineering and design portion for now and the applicant will be able to come back during a future cycle to request funds for installation and equipment.

Because one of the projects deals with the replacement of a septic system, there was some discussion about the limitation that the District will not pay for operations and regular maintenance. However, because this applicant is going the extra mile to address how their septic system will tie into a county system, make the whole system more efficient and could potentially affect the water quality of a bigger system, the committee felt justified in awarding this project for removal of the existing vaults. Director Julie Nania noted that this is why the committee must consider each project on a case by case basis and look carefully at the operations and maintenance piece.

Sonja noted that in the memo included in the packet, the total dollar amount listed should be stated as \$289,837 instead of \$288,487. She also noted that the committee is recommending \$7,333 of grant funding leftover from the 2022 grant allocations from projects that were canceled or came in lower than anticipated to be used for a 2023 project where the materials costs have significantly increased.

Director Julie Nania motioned to approve the Grant Committee's 2023 recommendation for award of District Grant Program funds in the amount of \$289,837 contingent upon staff receipt of identified additional information and requirements. The motion carried.

Director Rosemary Carroll motioned to approve the Grant Committee's recommendation to transfer \$7,333 available from unused 2020-22 District grant funds to the current year's grant allocation. The motion carried.

TLUG Update: General Manager Sonja Chavez reported that the Taylor Local Users Group (TLUG) met on Friday, March 17th. Sonja said that because there is a lot of snow in the system, Erik Knight of the Bureau of Reclamation (BOR) recommended that they consider starting releases early. The BOR is estimating that the reservoir will fill to within a half-foot of the top of the dam during peak runoff. Because the BOR reports have been a little overstated when it comes to the inflows, for now the TLUG representatives have decided to be conservative up front and will look at the figures again at next month's meeting on Thursday, April 6 at 9:30 a.m.

Augmentation Update: Water Resource Specialist Bev Richards referred to her memo included in the packet. Bev is going to do an educational presentation for the Board in May about how the augmentation program works.

Gunnison River Festival (GRF) Update:

GRF Director Cheryl Cwelich reported that the preliminary schedule of events for the Summer Celebration of our Rivers is listed on the District and GRF website. Director Rosemary Carroll asked if there were any further details on the May 4th "Stoke the Flows" event at Tully's. Cheryl said this is being organized by Kestrel Kunz of American Whitewater and as soon as details are available, Cheryl will notify the Board via email.

Gunnison Basin Roundtable (GBRT) Update: General Manager Sonja Chavez reported the GBRT needs to spend down their grant funds to \$275K in order to have the funds replenished next year. The GBRT also voted to not support a grant application to fix a pond in Montrose that was not permitted and illegally built by a developer. As was discussed at the January 2023 Board meeting, this pond's water source comes from tailwater from the Uncompahgre Valley Water Users Association. The pond is experiencing dam failure. The City of Montrose has committed to put some money towards fixing the issue, and the homeowner's association (HOA) where the pond is located has also offered \$30,000. Following direction from the UGRWCD Board, Sonja voted in opposition to the project because approval of an aesthetically and poorly built private HOA pond not originally authorized by DWR and with no public access set a bad precedent. Sonja reported that the application failed in a vote 23-1.

Sonja noted that Brad Piehl and Katie Jagt did review their assessment results with the GBRT but that there really was not much time for questions or comments.

Sonja noted that the GBRT also discussed the latest decision from Becky Mitchell that Colorado River Water Conservation District and Southwestern Water Conservation District will no longer be included in reviewing and approving projects for the System Conservation Program within their boundaries. It now appears that these districts' role will be limited to providing input to the UCRC on the applications, for which limited public information has been released. General Counsel John McClow said SCPP was basically a bad idea to start with, with too little preparation time for applicants and evaluation.

Sonja also reported that the Spencer Business Park Condo Association did receive two bids to complete replacement of the roof and soffits with a new metal roof and soffits. One came in at \$250,000 and the other came in at \$125,000. A final decision on a contractor will be made by the next meeting and Sonja is hoping work can begin this summer.

Scientific Endeavors:

Director Rosemary Carroll reported she didn't really have anything new to report but that she was excited to read the RFP for snow water measurement. She did note that they are hoping to conduct an ASO flight next week. She said that her research will be moving and expanding into the Taylor Park region and that she's hopeful that some of the baseline data collected will be useful for the District. She believes there will be some overlap with Wet Meadows type of work.

8. MISCELLANEOUS MATTERS

Director Rebie Hazard asked if there has been any problems in the District with icing on the ditches. Sonja replied that she had heard of some icing on the Cebolla earlier in the season but had not heard of any recent concerns but would watch out for them.

9. CITIZENS COMMENTS

No citizens elected to make any comments.

10. FUTURE MEETINGS

Information on future meetings was included in the Board packet. It was noted that the Community and River Clean-Up Day has been moved to Saturday, May 13th as the City decided the snow might not be melted enough by April 22nd to be able to get to all of the trash.


11. SUMMARY OF MEETING ACTION ITEMS

General Counsel John McClow will bring a revised draft of possible amendments to the Bylaws to the next Board meeting, which will include language related to Colorado Open Records Act legislation.

12. ADJOURNMENT


Board President Michelle Pierce adjourned the March 27, 2023 Board meeting at 7:10 p.m.

APPROVED:



John Perusek, Secretary

APPROVED



Michelle Pierce, President