

**Upper Gunnison River Water Conservancy District
Meeting Minutes of the Board of Directors
Monday, April 24, 2023**

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a regular Board meeting on Monday, April 24, 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: Joellen Fonken, Rebie Hazard, Stacy McPhail, Julie Nania (via Zoom), John Perusek, Don Sabrowski and Andy Spann (via Zoom).

Board members absent: Rosemary Carroll, Michelle Pierce

Others present:

Sonja Chavez, UGRWCD General Manager
Cheryl Cwelich, UGRWCD Water Resource Specialist I
Zach Dutra (Lake Fork Valley Conservancy)
Dan Feldman (SAIL)
Katie Lawn (RMBL)
John McClow, UGRWCD General Counsel
Luke Mecklenburg, Colorado Attorney General's Office (via Zoom)
Beverly Richards, UGRWCD Water Resource Specialist II
Bob Robbins, Robbins Ranch
Tom Rozman (Division of Water Resources)
Jill Steele, Citizen (via Zoom)
Sue Uerling, UGRWCD Admin. Asst/Communications Specialist

1. CALL TO ORDER

Board Vice President Stacy McPhail called the meeting to order at 5:30 p.m.

2. AGENDA APPROVAL

Director Joellen Fonken moved and Director Bill Nesbitt seconded approval of the amended agenda as circulated. The motion carried.

3. CONSENT AGENDA ITEMS

Vice President Stacy McPhail noted that the Financial Reports were being removed from the consent agenda for discussion.

Director Rebie Hazard moved and Director Joellen Fonken seconded approval of the March 27, 2023 UGRWCD Board of Directors meeting minutes. The motion carried. Director Nesbitt abstained.

Director John Perusek moved and Director Rebie Hazard seconded approval of the April financial reports as provided at the meeting. The motion carried.

4. LEGAL AND LEGISLATIVE MATTERS

Legislative Report: General Counsel John McClow referred to the Legislative Report included in the packet and asked if there were any questions. None were raised. John noted that there are just two weeks left in the legislative session so the legislature is scrambling to try to pass another couple hundred bills before the session ends. Since the report came out last Thursday, a new bill was introduced into the senate concerning the creation of the Colorado River Drought Task Force. At the UGRWCD Legislative Committee meeting last Friday, the District decided to take a position in opposition to this bill. John will provide written details about this bill in the next Board packet but noted that an earlier draft bill was designed to create a “drought security fund” with federal dollars to acquire water rights for compact security. John said the unofficial draft of the bill was initially introduced two weeks ago and was universally rejected at State Affairs Committee by all but a few proponents. Primarily because everyone felt more time was needed to create something so extensive. The current bill is basically a recreation of that rejected bill under the guise of a task force, except that the task force is now essentially directed to recommend a demand management program, which the District opposes. The proposed task force would be comprised of 15 members, 11 of whom are from the Western Slope, along with two transbasin diverters, the executive director of the Colorado Department of Natural Resources and the State Engineer. John said he has written a letter explaining the District’s opposition to the bill and will share this with Board members tomorrow.

Director Nesbitt noted that if the sponsors of this bill could show us that it would produce new water for the western slope, we would be for it.

Proposed Bylaws Amendments: John noted that there were several proposed amendments to the District’s Bylaws presented at the March Board meeting. The Board decided to think about the amendments. John asked if the Board had thought about the amendments and if they were ready to take action. John noted that one section of the Bylaws that will require some changes is the section dealing with public access to records through the Colorado Open Records Act. John said there is a current bill that has been proposed in the state legislature that may require some new language but that revisions to this bill are still forthcoming. Therefore, he would like to see the final bill that is passed before making changes to that section of the District’s Bylaws. He noted that this would give Board members some time to put forth any suggestions they have about any of the proposed amendments.

General Manager Sonja Chavez said she would like to encourage the Board members to petition the judge to raise the maximum total annual compensation level to \$2,400 which reflects the amount identified by the

state legislature. This would give the Board the flexibility to change the compensation level anytime in the future if desired and making this change brings our Bylaws up to date. She also stated that the District asks a lot from our board members and noted that we now have established committees which we didn't have the last time we wrote our Bylaws. Sonja indicated that there is a lot of meeting time and travel expense that goes uncompensated. Sonja said the Board could elect to move forward with petitioning Judge Patrick to authorize the increase but could wait to determine what, if any increase, the board might want to consider as part of next year's budget process.

Director Fonken asked for input from Director Nesbitt since he had been pretty passionate about disbursements. Bill said he was not opposed to moving forward with petitioning the judge and that he does believe that reimbursement is important for Board members. John reported that the current rate was set in 1991 by the decree and that the judge would need to amend the decree to reflect the increase to \$2,400 since the current decree stipulates a maximum of \$1,200 per year.

Vice President Stacy McPhail asked if the Board needed to take formal action at this time or if she could get a pulse from the Board about compensation in order to give John direction as he works on updating and amending the Bylaws. John indicated that the Board could just give direction at this time. No Board members were opposed to moving forward with petitioning the judge for the increase.

Director Nesbitt also suggested that the Finance Committee meet to discuss the finance policy before the Bylaws are completed.

5. PRESENTATION BY KATIE LAWN, RMBL – SCHOOL FIELD TRIPS REPORT

Katie Lawn, the Youth Programs Coordinator for the Rocky Mountain Biological Laboratory (RMBL), gave a presentation to the Board about the field trips for Gunnison Elementary School (GES) third and fifth graders last fall, which were funded in part by the District's Education and Outreach budget. Katie explained that RMBL's youth programming began in the early 1950's as summer programming primarily for the children of the scientists who were working at RMBL. The program has evolved significantly through the years, but always with the intention of "training the next generation of scientists."

In total, there were 140 Gunnison students who took part in the field trips, 70 students each from both the third and fifth grade and their teachers. The third graders came in early September and the fifth graders came in late September 2022. Each day, hands-on programming was offered for four hours with students rotating through learning stations at the RMBL location in Gothic. The students learned to identify the watershed and collected data used for modeling. The programming was designed to focus on the watershed and specifically cover state science standards required for third and fifth grade students.

Katie noted that the programming was very well received by the students and teachers alike and that they will be tweaking the programming for this coming fall based on feedback they got from the teachers and students. In the future, Katie would like to see the programming extended to more students, including

students from Lake City and she would like to see some pre- and post-field trip, classroom curriculum designed to continue covering the concepts taught in the field.

Director Bill Nesbitt asked about how the District was recognized during the field trips. Katie noted that this year, the students were told during the field trips that the District was helping fund the programming but that she would welcome promotional items or other ways to recognize the District next fall. Bill also asked about extending this to more students. Katie explained that she has been working with Sue Uerling to try to extend this programming to Lake City students. She also noted that RMBL already provides programming for students at the Crested Butte Community schools. (Note: the third and fifth grade students at GES were targeted by the District for these field trips as the state science standards specifically outline education components about the watershed for these grades. Plus, the fourth grade GES students participate in the 4th Grade Water Festival.)

Director Joellen Fonken asked Katie about her background. Katie said she is not a scientist or a classroom teacher but has extensive training and experience in outdoor education.

Director Don Sabrowski asked how the kids reacted to this experience. Katie said the feedback they got from the students, teachers and even the bus drivers was great. She noted that over fifty percent of the students from Gunnison stated that they had never been to Gothic before so this hands-on experience in the watershed is very meaningful.

Katie noted that after Covid, bussing costs and the lack of drivers have really impacted the schools' ability to do field trips. By providing a stipend directly to the school to assist with bussing costs, the District helped make these field trips possible.

General Manager Sonja Chavez encouraged Katie to come back to the District with a proposal of how the District might be able to partner with them to ramp up the watershed education opportunities. Sonja also said that RMBL might consider submitting an Education and Outreach grant to the Gunnison Basin Roundtable. Sonja offered that Sue could help and the District would share the grant requirements and deadline information with Katie.

Katie also mentioned that since the SAIL mobile unit will not be at Gothic next fall, she is looking for a similar weather component for their programming. She thanked the Board for their support of this collaboration and handed out RMBL newsletters.

6. WELCOME TO ZACH DUTRA, LAKE FORK VALLEY CONSERVANCY

Zach Dutra was introduced as the new Executive Director of the Lake Fork Valley Conservancy. Zach updated the Board about some property acquired by the LFVC below the bridge and how they have goals to get signage erected on the property and get a path built to the lake. Zach reported that LFVC has received over 100 responses to a community survey and that the surveys showed that the conservancy needs to work

on education and outreach as many survey respondents did not know the Lake Fork connects to the Gunnison River. He also mentioned that the group has built a 30-foot yurt that has been used by a number of organizations and that they are working on some winter activities there for the school children, since the majority of the school year falls during the winter season. Zach also mentioned that he has been working with the District through Sue Uerling to try to encourage the Lake City Schools to participate in the RMBL school field trips. General Manager Sonja Chavez encouraged Zach to reach out to the District with a funding proposal to help LFVC extend their outreach.

7. DINNER BREAK AND BASIN WATER SUPPLY UPDATE

Water Resource Specialist Beverly Richards referenced her Basin Water Supply Report included in the Board packet. Bev updated some of the data that has changed since she prepared the report over a week ago. Some highlights include that while the snowpack is starting to melt, due to some cold weather forecasted, it is predicted that the snowmelt will be slower this year which will result in much higher stream flows in mid to late May and early June. Bev reported that they are not expecting much flooding here in the Upper Gunnison Basin, but that flooding is expected downstream of the Grand Mesa area as snowpack in that area is still averaging over 200 percent.

Director Bill Nesbitt noted he found a blog by Chris Tomer very informational about weather and runoff predictions. (<https://christomer.com/blog/>)

Both Sonja and John commended Beverly on becoming an expert on watershed conditions through the many webinars and conferences she attends and presentations she regularly gives.

8. PRESENTATION BY DAN FELDMAN, STAFF SCIENTIST OF LAWRENCE BERKELEY NATIONAL LABORATORY AND LEAD SCIENTIST FOR SURFACE ATMOSPHERE INTEGRATED FIELD LABORATORY (SAIL)

Dan introduced himself and explained the SAIL study being conducted in the basin. He titled the presentation “The Changing Face of Water in the West” and explained: (1) the scientific motivation for SAIL; (2) What SAIL is measuring; (3) What has been learned from the SAIL data; (4) Where to find the SAIL data; and provided a (5) Summary and Next Steps.

Dan said the SAIL study is using an ARM mobile facility positioned in Gothic with some instrumentation also positioned at the top of CBMR. Dan noted that the Upper Gunnison River Basin is the most heavily instrumented watershed in the nation. He said the data they are collecting is being used to model watersheds all over the world and he noted that Director Rosemary Carroll is one of the top consumers of the SAIL data and that she is a great pleasure to work with.

He said SAIL is collecting data from the snowflake to the snowpack. They literally take hundreds of pictures of snowflakes every second. He said that while it is true that each snowflake is unique, their overall look on the photographs is very dependent on the water content of the storm and temperature. Dan said they have been comparing data collected this year to snowpack trends during April from 1955-2016 and the trends are not good. He said the range is huge and they are trying to narrow those trends to make accurate predictions for the future. One challenge for the project has been that according to Dan, precipitation measurement here is a “black hole” as the mountain west lacks weather radar systems to accurately track precipitation.

Dan noted that their predictions of water availability in the west are a 20% decrease relative to historical averages in the next 20 years, a 25% decrease in the middle of the century, and just under a 40% decrease in snow water equivalency at the end of the century. In the Rockies, those numbers are 5, 20, and 30, respectively. Dan said this projection time-series of the percentage of water availability loss will have wild swings in it from year to year, which is nothing new to folks living in the West, but it’s going to be supercharged as climate change continues. He said there will still be some years where water availability will be about normal, but more will not.

Dan said there is much uncertainty in what is going to happen to the snow and that this is a result of how snow forms over the mountainous terrain. Snowflakes and raindrops form when air that has moisture in it is pushed over the mountains. The air rises, cools, and drops its moisture. In the mountains, this all happens a few miles above the surface but it happens in many different ways, which is why there are such dramatic differences in snowfall and rainfall in complex terrain, even at the same elevation. Dan said data is needed to better understand how this precipitation is formed as it is sensitive to climate trends. For instance, when comparing SAIL’s data of falling snow against snowpack observations at the end of winter, the snowpack mostly follows cumulative snowfall, but not always. Their data shows hotspots of precipitation just to the west of CBMR where snowpack falls. However, in some areas, such as the mountain valleys, that is not the case. For those locations, the snow is falling and blowing elsewhere.

Dan explained that in addition to the precipitation and weather data they collect, SAIL also collects a large number of aerosol measurements. He noted that the SAIL data are sensitive to dust, smoke, and cloud-seeding, as aerosols darken the snow and also impact when and where it rains and snows.

Dan said that SAIL has been providing data to NOAA scientists in hopes of getting more accurate medium and long-term forecast models. Dan noted that the seasonal forecasts are really not very good and need to include more features for the sub-seasonal forecast, which SAIL is providing. These include modes of variability in the Pacific Ocean, the stratosphere, and the state of the land-surface. For the seasonal forecasts, they need to include even more data, especially the details of El Nino and the energy at the surface. The SAIL data allows NOAA to perform direct tests of not just short-term, but also medium- and long-term weather forecasts. From these tests, NOAA scientists are starting to propose changes to their forecast models. Scientists will connect these measurements to climate by looking at where storms come from, since this will change in the future.

In conclusion, Dan said water in the west is dwindling, but there is surprisingly little data on how it is changing. SAIL, and specifically the X-band radar on Crested Butte Mountain Resort, provides an unprecedented level of detail on precipitation patterns to shine a light on these changes. This data can directly inform weather, water, and climate forecasts, which in turn can allow for better water management practices during changing patterns.

Dan said this SAIL campaign will end on June 15th and their mobile unit will be packed up and first moved to Los Alamos for recalibration and then moved to Tasmania. Dan said they are hoping to be able to keep the weather radar unit around a bit longer as it belongs to Colorado State University. There is also the possibility of keeping some precipitation data collecting equipment.

Director Bill Nesbitt asked if when there is a major volcanic event, how does this affect snowfall. Dan replied that volcanic eruptions, especially the larger ones, definitely have a direct effect on weather patterns, including snowfall.

Director Don Sabrowski asked that since it sounds like the location changes of the SAIL mobile unit are already set, if this could be changed at all by the water shortage issues of the Colorado River basin. Dan noted that the Department of Energy recognizes that the Colorado River does affect so many people in the west and that they want to have as much data as is possible to help forecast trends, but that there are water issues all around the world to be addressed.

Director Bill Nesbitt asked Dan how helpful it is to SAIL to have politicians in their corner promoting their work? Dan replied that Senator Michael Bennett has been helpful along the way in supporting SAIL. Dan said that the issues that this District is addressing with respect to decreased water availability from the Colorado River are not going to go away. Dan said that if scientists can work together with political leaders to bring more data to them and translate the data collected here to be useful for other basins around the world, this will be beneficial for all. He said projects like SAIL help us understand what we do know and what we don't know about our watershed and weather.

9. GENERAL MANAGER AND COMMITTEE REPORTS

Treasurers Report: Treasurer Bill Nesbitt reported that District is in a holding pattern right now with its investment portfolio. Bill noted that the two-year treasury note is paying 3.88 percent, while the five-year treasury note is paying 3.63 percent and the 10-year note is paying 3.52 percent, which Bill says doesn't make any sense. He said that usually, the longer the term the better the rate. Bill said the bottom line is that the District's money is safe and earning a decent rate of return at this time. Later in the meeting, Bill noted that the feds are considering a .25 percent increase in interest rates in June 2023.

General Manager's Report: General Manager Sonja Chavez referred to her memorandum included in the packet.

UCAR Dispute Resolution: When the District found expensed amounts charged by UCAR for work done that had not been authorized, UCAR indicated it was a misunderstanding about needing to spend down the entire contract. The District has received an email from UCAR's financial department stating that a reimbursement check for \$13,653 will be issued to the District. The General Manager has implemented steps within the financial process to ensure that this doesn't happen again. Sonja said she continues to have a strong working relationship with UCAR and considers this matter closed. Director Nesbitt asked if legal counsel was involved in solving this matter and Sonja noted that she had communicated with General Counsel and both agreed that the District had to dispute the charges and ask for the funds to be reimbursed.

Spencer Condo Association Roof Replacement: Sonja reported that the Condo Association entered into a contract with Bullet Construction for replacement of the roof and fascia at the Spencer Business Park. She said that Bullet is currently picking up materials needed for the replacement and that they may start the project earlier than expected, perhaps as early as mid-June. Director Nesbitt asked about the storage of the solar panels while the roof is being replaced and it was reported that the solar company has been contacted to take down the solar panels and that they will likely be storing the panels at their location until the panels need to be reinstalled.

Water Quality Control Commission: Sonja reported that at the WQCC hearing earlier in April, the commission approved table value standards for acceptable levels of chlorophyll a (chl_a), total nitrogen and total phosphorous for lakes and reservoirs in Colorado.

Request for Qualification (RFQ) for Drought Contingency Planning Consultant Team: Sonja reported that the District received two responses to the RFQ and that both entities were asked to respond to some additional questions about their proposals, which has slightly delayed the final decision. Sonja said that although they do not have the final estimate of what the work will cost, she is expecting it to run around \$180,000 including a District cash contribution of \$30,000.

Watershed Management Planning Committee and Wet Meadows Program Update: Sonja referred to the WMP memorandum in the Board packet and asked Water Resource Specialist Cheryl Cwelich to explain the WMP Committee's recommendation to fund a Wetlands Assessment and its correlation to the Wet Meadows Program. Cheryl reported that the District received two proposals in response to the RFP from SGM and GEI Consultants, Inc. After the staff and UGRWCD WMP Committee review, there is a recommendation from the WMP Committee that the District contract with GEI Consultants, Inc. for wetland assessment services. Cheryl asked Director Julie Nania if she was satisfied with the responses provided by GEI with respect the WMP's questions and Julie replied "yes."

Sonja noted that this assessment was specifically considered and presented to the Board during the 2023 Budget Planning Process during which time \$100,000 was allocated for the project in case the grant funding didn't come through. The grant was awarded and the initial bid by GEI is for \$108,001. Funding sources identified to support this assessment include the 2022 America the Beautiful Challenge grant and additional funds from the Colorado Water Conservation Board stream management planning grant.

Director Stacy McPhail motioned to approve the recommendation of the WMP committee to enter into a contract with GEI Consultants, Inc. to conduct a Wetland Assessment in an amount not to exceed \$108,000. The motion carried.

Cheryl reported that May 8th, 9th and the morning of May 11th will be the kick-off training for her work crew this summer.

She also reported that the Ute Mountain Ute Cross-Cultural Exchange and Celebration on April 8th went very well with some very meaningful conversations and interesting exchanges. She was particularly pleased that they saw over 200 birds at the lech. She was anticipating 20. She said that Gunnison County Commissioner, Liz Smith, was present and very excited to participate in planning and implementing next year's event. Cheryl played a central role in communicating with the tribe and it was a good way of getting something started and then passing on the torch. She'll happily continue to help with their restoration efforts.

Education and Outreach Update:

General Manager Sonja Chavez referred to the memo included in the packet as written by Communications Specialist Sue Uerling and asked if there were questions. Director Bill Nesbitt suggested that the committee hold a meeting soon. Sue Uerling stated that she had held off on this suggestion only because she was hoping there would be a new representative to replace Sara Bergstrom on the Board in June who might be interested in also taking Sara's place on the Education and Outreach committee. Sonja also noted that no news can be good news as staff has an annual strategic plan that they carry out and that we report back regularly/monthly to the board to keep them up to date.

TLUG Update: General Manager Sonja Chavez reported that the Taylor Local Users Group (TLUG) met on April 6 and April 19.

Director Don Sabrowski said the biggest task for TLUG right now is getting an accurate feel for snowpack and the timing and amount of runoff. Don noted that during the April meetings while Erik Knight's second report on April 19th indicated a 10 percent decrease in inflows to the Taylor, this still meant the water year would fall into the "Wet Year" category which calls for a 10-day flushing release, likely in June, at 445 cfs. Don indicated that some of the TLUG members have been suspect of the CBRFC forecast in the past and wondered what would happen if the actual inflows bring down the category to an "Average Year." Erik noted that this would result in just a five-day flushing release of 445 cfs. The committee will meet again on May 5, 2023 at 12:30 p.m. and are tentatively holding the date of May 26, 2023 at noon for a second meeting, if the mid-May report shows a significant difference from the May 1st forecast.

Don and Sonja reported that there were two letters of interest submitted for the vacant "Property Interests" representative position on TLUG. One was received from John Bocchino who lives on the upper Taylor and

one was received from David Fisher who lives in the Dos Rios subdivision just off of the Gunnison River. Don and Sonja noted that John Bocchino was very passionate about the conditions of the Taylor River, fishery and active at the TLUG meetings. It was noted that he works for Ernie Cockrell which will be left to the board to consider if it may be a conflict of interest. David Fisher has an extensive resume of experience including years of federal water engineering and extreme flood events as well as dam safety and emergency management. Staff noted that since the TLUG was established we've had representation from a Taylor property owner and not a Gunnison River representative to date.

Director Stacy McPhail motioned and Director Bill Nesbitt seconded the appointment of David Fisher to the TLUG as the 'Property Interests' representative. The motion carried.

Scientific Endeavors: Director Rosemary Carroll was absent from the meeting.

Gunnison River Festival: GRF Director Cheryl Cwelich referred to her memorandum included in the packet and noted that a couple of the scheduled events have been moved due to anticipated streamflow conditions and Western student involvement. The QR code on the posters and media will be updated accordingly. She also presented the 2023 river festival poster created by Western Colorado University student, Teagan Delaney, that was selected by the GRF board.

10. MISCELLANEOUS MATTERS

Director Rebie Hazard asked if there were any updates on the course of the avian flu in Colorado. Director Stacy McPhail replied that according to the County Extension Office, there has been no new information, which she felt is good news. Stacy did say the Avian flu is likely something we will live with on and off for a long time.

Director Bill Nesbitt asked if there was any action taken with respect to the Southern Ute Tribe's court hearing about the reintroduction of wolves in the state. No updates were provided.

11. CITIZENS COMMENTS

No citizens elected to make comments. Tom Rozman was thanked for coming to the meeting.

12. FUTURE MEETINGS

A schedule of upcoming meetings was included in the Board packet. (Special note: **the May UGRWCD Board Meeting and Lake San Cristobal Water Activity Enterprise meeting will be held in Lake City on Monday, May 22nd at 1 p.m. in the Lake City Firehall.**)

13. SUMMARY OF MEETING ACTION ITEMS

General Manager Sonja Chavez and staff will be reviewing the responses given by the finalists to the RFP for the Drought Contingency Planning consultant.
Education and Outreach as well as Finance Committee Meetings will be scheduled.

General Counsel John McClow will submit updated revisions to the Bylaws for consideration at the May Board meeting.

14. ADJOURNMENT

Board Vice President Stacy McPhail adjourned the regular April 24, 2023 Board meeting at 7:50 p.m.

Director Bill Nesbitt moved and Director Rebie Hazard seconded that the Board go into executive session to discuss a potential property interest, receive legal advice from general counsel, and determine positions relative to matters that may be subject to negotiations. Motion carried.

John McClow stated that the Board is authorized to meet in executive session for these purposes by §§24-6-402(a), (b), and (e)(I), Colorado Revised Statutes.

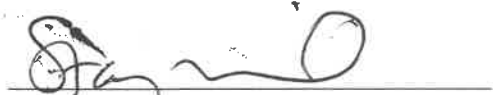
The Board entered into executive session.

Director Bill Nesbitt moved and Director Rebie Hazard seconded moving out of Executive Session to take action on the matters discussed during the Executive Session. The motion carried.

At the reconvened regular Board meeting, Director Joellen Fonken moved and Director Rebie Hazard seconded the approval to pursue the purchase of the adjacent property, Unit A of the Spencer Avenue Business Park Condominiums. The motion carried.

Board Vice President Stacy McPhail adjourned the reconvened regular April 24, 2023 Board meeting at 8:50 p.m.


As chair of the executive session, I hereby attest that the executive session held on April 24, 2023 was confined to the topic authorized for discussion in an executive session, as reflected by the minutes.



Stacy McPhail, Vice President


CERTIFICATION

As attorney for the Upper Gunnison River Water Conservancy District, I hereby attest that the executive session held on April 24, 2023 was confined to the topic authorized for discussion in an executive session, as reflected by the minutes




John H. McClow, General Counsel

MINUTES SUBMITTED:



John Perusek, Secretary

APPROVED:



Stacy McPhail, Vice President