

Minutes PAC Meeting
February 9th, 2022 6:00 to 9:00 p.m.
Rangely, CO

Attendance: In Person

Don Reed	Curtis Keetch	Brett Harvey	Colton Brown
Tory Eyre	Terry Wygant	Deirdre Macnab	Jerry Oldland
Walt Proctor	Alden Vanden Brink	Callie Hendrickson	Travis Day
Gary Moyer	Ed Smercina	Stu Massey	Ron Reich
Mario Sullivan	Kari Brennan	James Roberts	John Leary
Elizabeth Chandler	Shawn Welder		

Attendance: Online (Zoom)

Chris Collins	Ian Wilson
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Guests:

Online:	Peter Fleming	Erin Light
In Person:	Sam Robinson	Cheri Robinson

Decisions:

- Final Approval Mission Statement and Overall Goals
- Next PAC meeting will be in March

Discussion points:

- Concentrate resources on water quantity for now
- Phase III Scope of Work needs to focus on projects more than studies
- Drought Contingency Planning is critical to the White River moving forward
- Strongly consider doing more Diversion and Riparian Assessments if we get projects generated from this year's assessments.

Actions needed before the next meeting:

- Liz Chandler will consult with Alden Vanden Brink about the projects identified in the Yampa/White/Green Basin Implementation Plan. The project list will be brought to the March PAC meeting.
- Liz Chandler will explore practical work that could be done on drought planning.
- Liz Chandler will consult with USFS about actions the PAC can take for BMP in forest management

Diversion Assessments: Kari Brennan

25 diversion assessments were conducted. The reports have been completed and a written and digital copy has been distributed to the water rights owners. At present, two individuals have submitted grant applications for projects as a result of the assessments. The grant application deadline is February 18th. Kari presented detailed charts of the scores on each reach. Those charts will be available on the District website. Kari has received a lot of positive feedback on the reports from the water rights owners.

Riparian Reports: Mario Sullivan

21 Riparian Health assessments were conducted. Almost 80% of the sites were in Proper Functioning condition. Less than 20% were in Functional at Risk and no sites were Non-Functional. Drought is causing some problems, particularly on Piceance Creek. Ten reports have been completed with a digital and hard copy distributed to the land owners. The remaining reports are nearly completed and will be distributed to the land owners in the very near future. Kari and Mario thanked their teams and Tristan and Callie for all of their work performing the assessments and getting the reports finalized.

Mission Statement and Overall Goals

The Public Input meetings held in the summer/fall of 2021 resulted in two proposals to the PAC for revisions to the Mission Statement and Overall Goals. Both were accepted and the Mission Statement and Overall Goals are now final.

Mission Statement – Final approved

Community based initiative to identify actions promoting a healthy river that ensures a vibrant economic community capable of securing the future vitality of agriculture, fisheries, recreation, municipalities, and industry while protecting water rights, quantity, and quality with respect for the local customs, cultures, and property rights.

Overall River Goals for Current and Future Generations – Final approved

- 1) Protect and preserve existing water rights and other beneficial water uses
- 2) Protect and enhance water quantity and quality through promoting best management practices for:
 - a. Agriculture Enhancements
 - b. Favorable Conditions of Streamflow
 - c. Forest Health
 - d. Rangeland Health
 - e. Riparian Health
- 3) Identify opportunities for creation or improvement of infrastructure to support efficient consumptive and non-consumptive uses
- 4) Support the development and maintenance of efficient and necessary long term storage solutions that will improve, enhance and ensure irrigation, river health, water quantity, water quality, and native and recreational fisheries

White River Aquifers: Mario Sullivan

Mario reported on the unique features of the Agency Park and Powell Park Aquifers. These have many physical characteristics that are unique to alluvial aquifers and may contribute substantially to return flows to the White River. Both aquifers are only confined by bedrock underneath. More study is needed to fully understand the depth, width and transmissivity of the aquifers and their importance to maintaining the function of the White River. His complete presentation is on the District website.

(<https://wrcd-dccd.colorado.gov/>)

In-stream Flows: Peter Fleming, General Counsel Colorado River District

The complete presentation is available on the District website (<https://wrcd-dccd.colorado.gov/>)

- ISF Statute 37-92-102(3) is the statute that guides the instream flow process in Colorado.

The Colorado Water Conservation Board (CWCB) holds the exclusive right for in-stream flows in CO. To obtain an ISF right they must establish three things for each right obtained.

1. The ISF will preserve the natural environment
2. There is a natural environment to be preserved
3. The ISF flow right can exist without injury to existing water rights

These three criteria are examined at CWCB Board meetings. If they are found to exist, then the ISF is filed at Water Court. The Water Court can only look at information that was available to the CWCB at their Board meeting. No new information can be brought forward to the Water Court. This makes challenging the CWCB ruling VERY difficult. If you want to protest or object to an ISF filing you must get your evidence heard at the Board meeting, then it can be heard at Water Court. The cost to an individual user to protest an ISF filing will vary, but it could be significant.

One of the biggest impacts of an ISF filing is the state will have standing on the river to file protests and objections to water projects. Amicus briefs may also be filed on the state's behalf. In addition, permitting agencies frequently view a junior ISF as a mandatory flow through right rather than a junior water right. This can further complicate the process for a project to be permitted.

Phase III Scope of Work Discussion

A discussion was held about the future direction of the White River Integrated Water Initiative. Callie mentioned there was a bit more time to finalize priorities as the March grant deadline was too soon to meet. The group talked about the type of work they would like to advocate for the Phase III SOW. The following is a summary of the discussion. No votes were taken to affirm these points.

- The group felt like water quantity should be the priority at this time. When the algae study is complete, water quality could be elevated in priority. They do not want to duplicate the efforts of the TAG. In addition, the group would like to perform projects not just studies.
- It was decided to have the PAC Coordinator research existing identified projects with the help of Alden Vanden Brink and bring a project list to the PAC at the March meeting.
- The group is very interested in doing more diversion and riparian assessments, but they would like to see more projects develop as a result of the Phase II assessments.
- Drought contingency planning can be an important way for the White River basin to maintain control of its future.

Next meeting will be in March

Meeting adjourned