

April 5, 2013

The Poudre Runs Through It Study/Action Work Group

SESSION SUMMARY

Thanks to Boris Kondratieff for the bugs and Wynne Odell for the beer following our April session. It was fun to get out on the river and see some of what we have been jawing about.

Go Fishing! Sean Cronin announced Rocky Mountain Flycasters' plans for the outing it is hosting for us—to take place June 2. If you are going, get your fishing license! Details to follow.

We focused on flows for most of the morning, as the group working on ways to improve flows on the river brought in state experts to answer some questions.

The group told us that to understand what we may be able to do, we need to understand Colorado's Instream Flow Program. We heard from Linda Bassi who heads up the Colorado Water Conservation Board's Instream Flow Program, and from Amy Beatie who heads up the Colorado Water Trust. Following are some of what was presented/discussed:

- Colorado Water Conservation Board (CWCB) Instream Flow Program since 1973
- For both new appropriations of water and acquisitions of existing water rights
- Mostly for fish and stream health, but sometimes for birds and waterfowl
- Requires use of quantification methodologies that tell what the fish need
- Requires water availability analysis
- Can involve long term or temporary leases, both requiring injury analysis
- Can have built in option to use for other purposes at times, e.g. drought
- Colorado Water Trust (CWT) established 2001 by water attorneys and engineers whose clients wanted to use their water rights for instream flows
- CWT's program is voluntary—they work with willing water rights owners only
- CWT's role is to package deals, minimize transaction costs, and provide assistance with engineering and legal
- Group of water rights owners can put together a portfolio of water for instream flows
- Feasible stretch might be "in town" College to I25 or to New Cache head gate
- We would need a target minimum flow number from the Colorado Parks and Wildlife (CPW) based on water rights available
- If City of FC were to put excess CB-T in river to increase flows to be used by ditch companies, would this work?
- If City of FC diverts at Joe Wright, could they run it down the river and protect it from exchanges?
- Former river commissioner says it could be done. It would require gauges in the right places, and it can be kept safe from exchanges because it's already decreed, if you have a place it's going to
- Protection of existing exchanges will be important to maintain "working river" rights
- We may have to look at tools outside the instream flow program, like interruptible supply statute, or Ag-to-Ag water rights transfers
- This won't be a slam dunk—the process will be long and complicated

- City of FC Natural Resources already has some funds to put into it
- Can be incremental, but have to make sure an incremental step doesn't back us into a corner
- Maybe ways to keep water in river without a designated instream flow?
- Creative solutions take courage; we have to make a commitment to start to take action
- One small step can open the door to move things forward

Linda Bassi closed by saying “a strong stakeholder group can do a lot.”

Short-range funding to facilitate continuation of this group for as much as a year was reported on by “Ray’s Group.” They are working on a strategy whereby 6-7 entities (perhaps municipalities, breweries, Northern District) would fund a pool of \$20-\$25K with the intent of asking CSU to put up a similar amount, for CWI to continue providing facilitation. This small amount of money is needed to “keep the dialogue going, refine the conversation.”

Bigger picture funding for Working/Healthy Poudre was a larger topic, generating many ideas and much discussion. Included in the ideas/points made:

- We may be looking at as much as \$100M over time. Charitable dollars likely won't do it
- Will require something like GOCO money—public dollars
- What boundaries? What scale?
- Maybe the greater community the full length of the river could get behind this big time
- First, we need a process/dialogue to conceptualize and lobby for a funding mechanism
- A foundation or charitable fund could raise private dollars to fund this process/dialogue
- Larimer County Open Space tax money sunsets in 2018—could thereafter be used for water?
- The business community might get behind a concept of progression: we funded open space—look what that has accomplished. Now let's turn our attention to the river.
- Good to think big but also consider small steps, small successes to demonstrate the benefit to the populace so they will get on board
- Everybody loves a river—would put ½ cent into it through a sales tax
- But hate to see petition for sales tax based on “sound bites”—better to elevate public knowledge
- Not easy to get even a ¼ cent sales tax. Lots of competition for those dollars. Funds for the Poudre would likely have to be part of a bigger package.
- Have to go after funds not just to get bigger fish—need to educate community about agriculture—working river aspects—too.
- Our message—the need for the funds we put out there—has to be compelling
- Our focus is unique. Many have talked about healthy river. No other group has brought together all the sectors to concentrate on Working River/Healthy River. We must keep that in focus at all times.
- City of FC, City of Greeley already actively working on the river. Benefit of our group is that we provide synergy to develop the river to better benefit.

- But not much happening in Windsor, so a group like ours looking at the river comprehensively, filling in the gaps between the two cities, is important.
- Northern District board is wondering if there is a need to increase levy for forest health, water quality. Maybe a third is stream restoration.

Then we turned our attention to Thornton, welcoming City of Thornton’s Water Supply Director, Mark Koleber , who has joined our group going forward. He said, “If Thornton could work out something with partners to make this more than just Thornton taking their water, that would be great.” He said that Thornton’s plans are “a little bit open” right now. They are seeking an engineering firm to help them identify multiple alternatives for bringing their water south. Mark said that Thornton’s initial thought was to take the water up high, to reduce pumping and treatment costs. Taking it out further downstream means more dollars, even though a shorter pipeline saves money up front. But he said that the Water Supply and Storage water they own is made up of trans-basin and reservoir water in addition to river flows, and that may open up an opportunity to move water in the winter, for benefit of the river’s health. It’s not just water being shifted around, it’s money being shifted around. Thornton would like help getting through the regulatory process.

Question: Will your engineering team be looking at this traditionally or will they also factor in sociological issues?

Answer: This is not just an engineering question, but a permitting question as well.

Question: Will negotiation take place before Thornton narrows in on its preferred alternative?

Answer: Yes. We will be factoring in what are the interests of the cities, others.

Question: What would it take to get concepts like health of the river into the mix?

Answer: This group would be a great group for us to come to—if you continue. But Thornton needs to know what’s going to happen in the next two years—to stay on track with their desire to have water flowing south between 2020 and 2025. That might not fit your long-term timing about an instream flow possibility.

Question: Would Thornton be interested in a common treatment plant with NISP participants, a regional authority for treated water?

Answer: It’s all on the table.

One of our participants suggested that Thornton might consider two pipelines—one high and one low to reduce the impacts of taking all the water higher up. Kolebar responded that such an idea might not seem feasible on the surface but it could open up operational options, by blending water quality and providing delivery timing advantages.

Summing up the Thornton discussion, one of our participants pointed out that “we are disparate groups with different goals, but maybe a pipeline can bring opportunities for cooperation.” Another said we can perhaps accomplish more than one purpose by working together. Kolebar responded, “Roundtables like this are all about multi-purpose.”

After lunch, we concentrated on next steps—where do we go from here? John Bartholow helped us focus our discussion by providing a bit of a “straw man” proposal for us to draw from. Following the discussion, it was agreed that the steering committee would take all that it heard and develop a proposal for the group to consider at its May session. Here are some of the points made that the steering committee will be considering:

- Maybe a June 1 rollout to the community is premature. We haven’t narrowed in on any actions yet.
- Perhaps our roll out could be concurrent with the Poudre River Forum or PowWow we have been talking about—maybe January of 2014
- We should be concentrating on changing the game—be a political lobbying group, concentrate on pushing for tweaks that CWCB could create to make the instream flow process less onerous. The window of opportunity is now, while the Governor is calling for a state water plan.
- Perhaps a subgroup could take on this “political power” idea, but not the whole group
- Weary of getting more formal. Let’s first test our ideas and feasibility.
- Let’s under-promise and over-deliver.
- Instead of a lengthy report, let’s come up with a short document with an appendix of our ideas
- Let’s make the report a two page “vision” statement, giving the essence of why we are here, what we are about, that we have a big vision
- How about if the subgroups meet between May and August and the whole group meets in August for a report and to pin down group membership going forward?
- Let’s think of ourselves as a loose confederation, stick with the informality we have. Then, if after 6-12 months we find value in the confederacy, we can get more formal.
- What about the three reservoir projects on the table? Should we ask the proponents of those projects if they can help meet our group’s goals?
- Let’s attempt to implement some of what we’ve come up with
- What about “authority” to do things (like negotiate with Thornton)? When do you get to that point?
- Are there some smaller bites we might take concurrently?

What about the other ideas we generated for our group to undertake? In addition to the two subgroups already formed (Improving flows and Bigger Picture Funding/Organization), are there other subgroups we want to form?

Thornton: Asked if it would be valuable to Thornton to have a subgroup of us to work with. Kolebar suggested the idea was good, but not until they get their engineer chosen. A signup sheet passed around yielded these names of those willing to be in a subgroup at the appropriate time (John Stokes, Dan Brown, Steve, Smith, Mark Koleber, John Bartholow, Dale Trowbridge, John Sanderson/Doug Robotham, Brad Wind.)

Poudre River Forum or PowWow: We decided to back the idea of an annual forum to bring together those interested in and working on issues related to the Poudre River; especially based on our concept of a Working Poudre/Healthy Poudre. Again, a signup sheet passed around

garnered several names of those willing to work on this idea. Names include John Stokes, Susan Smolnik, Bill Sears, Steve Smith, Mark Koleber, John Bartholow (maybe), Dale Trowbridge, Steve Malers (maybe), Brad Wind, and John Bustos.

Gauging the River: Wade Willis and others showed interest in working with John Bartholow on his idea of providing CFS gauges with the intent of helping the public understand the fluctuation of flows on the river.

MAY SESSION

We agreed that our May session would include updates from the subgroups that have formed, time to review a draft of the “vision” statement we agreed on, and consideration of a proposal from the steering committee on how we might move forward.