

**HEALTHY RIVERS AND STREAMS  
CITIZENS ADVISORY BOARD  
JOINT MEETING WITH THE PITKIN COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**Courthouse Plaza Building  
Plaza 1  
Aspen, CO  
November 17, 2011 - 4 p.m.**

<b>4:00</b>	<b>Public Comment</b>
<b>4:05</b>	<b>Board Comments</b>
<b>4:10</b>	<b>Approval of Minutes October 20, 2011</b>
<b>4:15</b>	<b>Status of the Fund and Program Goals</b>
<b>4:45</b>	<b>Executive Session pursuant to C.R.S. 24-6-402(4)(b):</b>  <ol style="list-style-type: none"><li>1. Eagle Park Reservoir Company-Homestake Exchange</li><li>2. Busk/Ivanhoe</li><li>3. City of Aspen</li><li>4. West Divide Water Conservancy District</li><li>5. Pitkin County RICD</li></ol>
<b>5:15</b>	<b>Roaring Fork Conservancy-Coal Creek Project Funding Request Protocol and Guidelines for Grants Included</b>

*All times are subject to variation without notice*

*Agenda is subject to change*

**October 20, 2011 Meeting Minutes will be provided for approval when available**

# AGENDA ITEM SUMMARY

November 17, 2011

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**TO: BOCC and River Board**

**FROM: John Ely**

**SUBJECT: Status of the Fund and Program Goals**

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The following work items are listed for informational purposes and will be discussed further at the Boards' meeting and can serve as a continuing guide for fund allocation and anticipated expenses.

**I. Instream Flow Protection and Enhancements**

- Agricultural Efficiencies

The idea behind this approach to stream flow enhancement is recognition that there is no longer free water on any of our streams outside of the early season runoff period. Therefore, if we are going to improve our flows the water must come from somewhere else. If we are not drying up land that is currently being irrigated, then perhaps improving the methodologies in current irrigation practices will realize benefits to area rivers and streams by being able to deliver the same amount of usable water to an ultimate consumer while relaxing an irrigator or ditch company's current or future potential diversions. As straightforward as this idea sounds it has not been done in Colorado to my knowledge. An engineering methodology needs to be developed, perhaps with assisting legislation as well as meeting the varying concerns of irrigators and ditch companies.

- Trust Agreement Additions

This item reflects the continuation of our pursuit to dedicate existing County water rights to the Pitkin County/CWCB Trust Agreement. Additional work will also try to reduce the transactional cost for these dedications and thereby enhance the use of this methodology elsewhere in the state.

- Water Right Acquisitions

Opportunistic purchases of water rights may present themselves from time to time to the County.

- Recreational In-Channel Diversion

The County application for its RICD at the location of the proposed kayak park on the Roaring Fork River just upstream of the confluence of the Frying Pan River was filed in water court at the end of 2010. This application will be progressing through the water court this year although it is not expected that a final decree will enter until 2012.

- Fry-Ark Project Diversion/PSOP

With the results of the 2010 general election and changes to the Colorado federal delegation, it is logical to assume that renewed efforts to enact this federal legislation will occur and possibly conclude. Our efforts continue to be to position the County to be part of any deliberative process for prospective legislation and to participate in the drafting of this potential legislation to effect the inclusion of beneficial language for the County and the river systems on the west slope.

- Potential Wild and Scenic Designation for the Crystal River

A Phase I analysis of the potential Wild and Scenic Designation of the Crystal was concluded by the United States some years ago. An earlier effort for designation was abandoned in the early 1990s. It is unclear how this designation would benefit the Crystal River and how that benefit could be quantified but without pursuing this option, we would be limiting ourselves in the future to a consideration of less than all possible alternatives to maintain instream flows in the Crystal River.

- Analysis of the North Star Preserve

Over the years since the County acquired ownership of this property, natural flooding of the area has decreased, a deepening of the river channel, not of river depth, has occurred and a general degradation of the fishery now exists. The reasons for these occurrences are unclear but as the County still controls the land there is an opportunity to correct the situation. Additionally, in the past, North Star represented a natural wetland above the City of Aspen that served to decrease the danger of flood and replenish flows to the Roaring Fork River later in the year. If this function could be restored, it could benefit the upper Fork late-season flows without the prospect of the creation of a storage reservoir.

- Draft Environmental Assessment and Finding of No Significant Impact (FONSI) to Provide 10825 Acre Feet to the 15-Mile Reach

The Bureau of Reclamation (BOR) has produced a FONSI regarding the recovery program for endangered fish in the Colorado River. Pitkin County has provided comments to the BOR highlighting the deficiencies within the Draft EA and FONSI. The next step is to continue in our efforts to protect the Frying Pan River and Ruedi

Reservoir water and recreational resources with appropriate action depending upon the final report issued by the BOR.

## II. **Opposition to Potentially Damaging Developments**

- West Divide Conservancy District and Colorado River District Conditional Rights in the Crystal River Drainage

Conditional water rights for storage and diversion exist in the name of these two entities along the mainstem of the Crystal and several tributaries. These rights were set to lapse and be abandoned without a diligence application being filed by May of 2011. The entities have abandoned the more unrealistic storage rights on the Crystal itself but have retained two storage facilities and significant diversion rights in the Crystal River. The County needs to continue to oppose this diligence application.

- City of Aspen Hydroelectric Power Plant

It is hoped that the City will conclude an IGA with Pitkin County consistent with its previous representations. However, there is currently no agreement ready for adoption. In this regard, the County is still an opposing party in the City's diligence application regarding the operation of the Castle Creek Hydroelectric Plant and that case is set for trial in April of 2012.

## III. **General River Protection Strategies**

- Upper Roaring Fork River Analysis

Work initiated last year by MEC, Bill Miller, will conclude this summer with hopefully far-ranging applications for its conclusions. However, I would foresee future enhancements of this work to continue through time to increase our chances of a successfully managed flow in the Roaring Fork above the confluence with Castle Creek.

- Roaring Fork Drainage Gage System

The river fund will continue to support at least one gage in the valley, as well as contemplate future support of additional existing gages. This effort however, will only be complete upon a full analysis of the entire drainage and identification of appropriate locations for gages and the establishment and maintenance of these gages. A project of this type will probably continue over numerous years and involve partnerships with other jurisdictions and conservation entities.

- Ground Water Mapping and FEMA (Federal Emergency Management Administration) Flood Mapping

These two efforts have already been directed and budgeted and hopefully will conclude in 2011.

- Invasive Species Control

In the past, we were requested by RWAPA (Ruedi Water and Power Authority) to assist with the cost of zebra mussel control at Ruedi Reservoir. I would anticipate a continued participation with RWAPA in this regard and perhaps an expansion of previous minimal efforts.

- Continued Support of Partners in River Protection

In the past year, the river fund has been used to support the Roaring Fork Conservancy and the Ruedi Water and Power Authority. This year I would anticipate requests for continued support from these entities as well as additional grant requests from other entities including the Pitkin County General Fund.

**Requested Board Action:** Informational – Discussion and comments from the Boards

## **PROTOCOL AND GUIDELINES FOR MONETARY GRANT AWARDS FROM THE PITKIN COUNTY HEALTHY RIVERS AND STREAMS FUND**

1. **Applicability.** This protocol and these guidelines are applicable to projects and requests that are not being actively managed or participated in by Pitkin County or the Healthy Rivers and Streams Board.
2. **Availability of Grant Funding.** Every budget year at or near the October meeting of the River Board, the River Board will make a recommendation to the BOCC for appropriation of sums to be made available for the following budget year to be awarded to individuals and organizations making appropriate requests for grants and financial assistance. This recommendation shall be based upon the available resources for the fund but may be changed at any time during the course of the coming year by the BOCC upon recommendation of the River Board.
3. **Review of Grant Requests.** To the greatest extent possible, the River Board shall review and make recommendations on grant requests once a year in the fourth budgetary quarter. This review timing is to allow the River Board to compare requests for funding in order to select the most deserving projects and requests. However, the River Board may make recommendations for funding at any time of the year based upon the particular needs of the requesting party or scheduling needs involved with a particular project.
4. **Conditions of Award.** All individuals or entities shall be required to complete a grant agreement contract upon award of a grant request. Such grant agreements shall be individually structured based upon the particulars of the project and award but will contain at a minimum, a commitment on the part of Pitkin County to fund the grant request at a particular identified level; a requirement to report back to the River Board on progress of the project and its ultimate completion; a dispersal schedule for the grant award; a statement of ownership of any final work product or studies and a description of any restrictions to the use of that work product or availability to the County and public at large; a commitment by the grantee to adhere to all of its representations made to the River Board; and a penalty provision that failure to utilize the grant award in a manner stated in the agreement and as represented in the application may result in forfeiture of the remainder of the grant and an obligation to refund monies previously dispersed by the County.
5. **Review and Award of Grant Requests.** There is no obligation on the part of the River Board or Pitkin County to award all of the grant funds appropriated. All recommendations for funding are based not only upon the availability of funds but also the merits of the request. The River Board is free to request additional information from any party seeking an award in order to better understand and evaluate the project and request. All requests shall be evaluated according to following enumerated criteria. The use of the criteria and scoring associated with the criteria is not an absolute formula to an award of grant requests but serves as a guide to allow the River Board to evaluate projects and proposals in relation to each other and to evaluate the overall merits of a project or proposal.

<b>Grant Criteria and Weighting</b>	
<p><b>Viability of Project</b></p> <p>The likelihood of completion of the project with the grant or award, or recognition that other steps and further funding would be needed to fully complete the project</p>	<b>MAXIMUM 25 POINTS</b>
<p><b>Visibility of Project</b></p> <p>The degree the project will be seen and appreciated by the public or actively used by the public</p>	<b>MAXIMUM 25 POINTS</b>
<p><b>Goals of River Board</b></p> <p>Degree with which the proposed project coincides with the stated goals of the River Board or other ongoing projects of the River Board</p>	<b>MAXIMUM 25 POINTS</b>
<p><b>Prospect of Repetition of Project</b></p> <p>Degree to which the grant or project represents a strategy or proposal that could be repeated in other locations so that the benefits of the award may not be limited to one single event</p>	<b>MAXIMUM 10 POINTS</b>
<p><b>History of the Requesting Party</b></p> <p>The degree to which the individual or entity has been successful in other projects or endeavors or is known in the community</p>	<b>MAXIMUM 10 POINTS</b>
<p><b>Participation by Other Parties</b></p> <p>Is the grant applicant conducting the project or work on its own or does it have partnerships been established with other agencies or entities that reflect that the goal of the project is shared by more than one party</p>	<b>MAXIMUM 10 POINTS</b>
<p><b>Proposed Project Budget</b></p> <p>Is the requested grant the sole source of funding for the proposed project or are there other funding sources available to the applicant</p>	<b>MAXIMUM 10 POINTS</b>