

COLORADO RIVER SUB-TASK FORCE MEETING NOTES

Location: Southwestern Water Conservation District
841 E. Second Ave, Durango, CO 81301 &
Remotely via Zoom - [Click here to join](#)

Date: October 11, 2023

Time: 8:30 a.m.–10:30 a.m.

0:08:10 in recording

Lisa Yellow Eagle initiated Introductions/Roll Call.

Members Present:

Lisa Yellow Eagle – Southern Ute Indian Tribe

Letisha Yazzie – Ute Mountain Ute Tribe

Steve Wolff - SWCD

Celene Hawkins – The Nature Conservancy

Becky Mitchell, State of Colorado

Members of the public present in the room:

Peter Ortego – Counsel for UMUT

Beth Van Hurst – Counsel for SWCD

Mo Rock – SWCD

Shannon Mullane, Colorado Sun

Members of the public present on Zoom:

Caitlin Weber

Ed Millard

Jessica Gelay, Western Resource Advocates

Joan Green Turner

Josh Kuhn, Conservation Colorado

Kathy Chandler–Henry, Chair – Drought Task Force

Kathleen Curry

Lindsay Defrates, Colorado River Water Conservation District

Luke Mecklenburg, Colorado Attorney General's Office

Marielle Cowdin, Colorado River Water Conservation District

Pete Nylander, Southern Ute Indian Tribe

S. Tamates

Tahlia Bear

Terence Apache

0:09:55 in recording

Review and Approval of Agenda

Lisa Yellow Eagle motioned to approve agenda. Steve Wolff seconded. Passed unanimously.

0:11:20 in recording

Hypothetical Posed During First Meeting: In the perfect world, what would the Tribes love to do with their water if there were NO hurdles or challenges to overcome?

Letisha Yazzie described some of the Ute Mountain Ute Tribe's approach to this question. She discussed the original vision for the Animas-La Plata Project and how the Tribe would utilize that water; pipeline from Lake Nighthorse to meet multiple needs; how water is the center of everything; vision for the Dolores Project, hydropower, solar farms; restoring Mancos River ranch; expanding farm and ranch operations on the San Juan; secondary source of the San Juan; resort or golf course; whatever the Tribe wants.

Lisa Yellow Eagle responded to the question on behalf of the Southern Ute Indian Tribe. Lisa explained how the Tribe would like a community similar to those around them with all the amenities and a thriving economy; how the Pine River Irrigation Project needs major rehab and is a high priority as many depend on it for irrigation; food independence through future agricultural opportunities; industrial uses such as a meat processing plant; environmental concerns such as the endangered fish recovery program and more care for animals and plants as well as rejuvenation; the ability to fully develop its water.

Lisa also discussed some barriers to participation in conservation programs, namely that water must be beneficially used to be paid, which requires full development of water. She then discussed the implications of this.

Steve Wolff asked if the Tribes agree with the numbers in the Tribal Water Study. Lisa and Letisha agreed they did.

Steve then asked if SUIT had funds to upgrade PRIP would they consume more water on the Pinos and if they have the rights. Lisa replied they would consume more, but less would be wasted. She also explained that the Tribe has been using their own funds to prop it up, the estimated costs, the number of projects, and the Tribe's efforts to secure funding.

Becky Mitchell asked if the primary constraint was funding. Lisa replied it is.

Celene Hawkins asked why Bipartisan Infrastructure money was not being accessed. Lisa replied that PRIP is a BIA project and BIA is underfunded, the project does not fall under the Infrastructure bill.

Becky Mitchell **stated for the next agenda she would like to see some movement on this.**¹ Political help at the state and federal level. She then requested the list of projects from Lisa and a list of projects for the UMUT to push for both together. Becky requested **making this an ongoing topic for the Sub-Task Force, but also Task Force** as though this does not require legislation, the political support is important.

0:37:47 in recording

What do we know about existing hurdles for the tribes to use their water? Technical? Policy? Financial?

Lisa discussed the Water Infrastructure Improvements for the Nation Act (WIIN) and barriers to its implementation and funding for the tribal water projects.

Celene asked if there is anything they should know about Tribal Water quality, watershed health? Quality challenges? Watershed health? Forest health and connection to Tribal uses of water? **Lisa replied that she would get back to the group on water quality issues.** Letisha discussed concerns about forest health and cultural needs for water.

Steve asked if UMUT has a list of projects with more detail. **Letisha replied they do and could share it.**

The group discussed how to move forward with this task including: where to put pressure, funding opportunities; learning from past efforts and identifying hurdles to develop a strategy.

Letisha described technical hurdles for the Tribe including resources, planning, and support. **Steve asked about Technical Assistance Grants.** Letisha requested assistance with Range Management Plans. **Lisa suggested researching grants from First Nations Development Institute.** **Celene said there may be some non-profits and would bring a list.**

Lisa described economic development issues including funding, checkerboarded land preventing water access, housing, land availability, land designations, jurisdictional issues.

Steve asked if a water system could provide water to both Tribal and non-Tribal homes. Lisa replied that the Tribe does not supply non-Tribal members unless they receive water in the Town of Ignacio. Discussion continued about the benefits/challenges of a shared system. **Lisa said she would discuss with Utilities.**

Discussion continued about lack of BIA resources and bringing the issue to the Task Force. **It was suggested that this topic be part of the Tribal presentation on the 26th of October.**

¹ **Bolded wording** indicates a potential action item or question for further research.

Members discussed how the Task Force make sure Recommendations not only include Tribal participation, but also support state fixes possible with one tier of Recommendations for in-state and Recommendations for strategy and position on broader federal.

Discussion continued on broader recommendations list for Sub-Task Force as most tools discussed in Task Force are not applicable for Tribes. **What tools could be modified to be accessed by both Tribes related to Water Banking, resiliency, sharing? Does the State Engineer have the authority to shepherd water? And would UMUT need the State of New Mexico to shepherd it? The STF discussed potentially inviting State Engineer, Kevin Rein to a future meeting.** What would it take to shepherd water to Lake Powell and move tribal water? Becky clarified it may be someone else and not Kevin Rein.

Discussion continued about water banking, regional water supply planning, policy hurdles and forbearance, and the price point of Tribal water. Lisa said people are still getting used to the idea and that policy discussions need to be with the state the tribe is in and at the federal level. Celene asked what the first step for UCRC discussions would be. Lisa stated that **there would need to be a pilot project either within one state or Upper Basin to see how it would work**, since a program for all tribes nationwide would be too broad to manage at the start of a program like this.

Lisa wrapped up the conversation by saying she would send out a list of questions and each person can put their name next to what they will work on. Kelsea will share the notes early next week.

1:45:40 in recording

Discussion on Agenda for 10/23:

Tribal Access to Clean water – Lisa

Piped clean water to Tribal members and whether it would be helpful to add non-Tribal members to facilitated getting to Tribal members – Lisa

Potential Solutions to existing hurdles and challenges – All

Looking at Tools in Drought Task Force

Question about having Kevin Rein come? Or wait till talk about solutions first and refine our questions? We need intrastate discussion first – HOLD off.

Prep for Presentation to Drought Task Force on 10/26

1:50:39 in recording

Adjourn: 10:16am

Additional information

Reminder: Next Sub-Task Force meeting is scheduled for October 23, 2023; 10 a.m. – 1 p.m. The public is invited to provide comments at the beginning of the meeting.

Comments from public:

Ed Millard: How much of a hurdle are pumping costs to develop ALP Ag water especially on land in La Plata valley? It's a 900 ft lift from the Animas to there which is prohibitive for profitable Ag. Isn't that why that use was abandoned when ALP was redesigned and that can't fixed?

Ed Millard: If Ute Ag water rights, from ALP and the Animas in particular, were fully developed how would that impact the Biological Opinion and endangered fish recovery on the San Juan?

Ed Millard: How much of an issue to selling/leasing/forbearing Ute water out of state is the language in the settlement/act, Compact Law of the River and state law placing sideboards on export of Ute water?