MEETING MINUTES

GUNNISON BASIN/GRAND VALLEY SELENIUM TASK FORCES

APRIL 30TH, 2009

Attendees: Sonja Chavez de Baca (GB/GVSTF Coordinator), Fred Fisher (Shavano CD), Barb Osmundson (FWS), Rick Krueger (FWS), Steve McCall (USBR), Mike Baker (USBR), Eileen List (City of GJ), Charles McMurdy (Montrose, Ouray, and San Miquel Farm Bureau), Sarah Sauter (Uncomp Watershed Planning Partnership (UWPP)), Andrew Madison (UWPP), Denis Reich (CSU Ext.), Dave Kanzer (Co River District), Russ Walker (Mesa State), Tom Rutkowski (Golder Associates), Randy See (Senator Bennett), Tom Grett (Shavano CD), Paul van Ryzin (NRCS/Painted Sky RC&D), and Mike Drake (Painted Sky RC&D).

I. Coordinator Updates

A. Education & Outreach Activities (January to April).

Sonja Chavez de Baca, Coordinator, attended the Montrose County Master Plan Input meeting in Montrose (March 18th) and was able to introduce herself to the community and to the County Master Plan Consultant, Winston and Associates. In addition, she distributed Selenium Task Force (STF) "Water Wise" brochures and guides. In community master planning exercises, the consultant had the community identify where they wished future growth to occur. Unbeknownst to the community, they were placing growth on the east side of the Uncompahgre Valley on previously un-irrigated Adobes (trying to preserve existing agricultural lands) where some of the highest selenium loading areas occur. Since then, Sonja has forwarded the "Selenium Focus Area" maps (selenium and soils map that came out of the CIG project) to the consultant for consideration in their analysis of "sensitive lands". There is another community Master Plan (MP) meeting that will occur on June 4th at 6:30pm in Montrose. Sonja is following up with the Montrose County Planning Commission and the MP consultant to determine how the selenium/soils maps would be used in the community master plan update process.

The Coordinator gave a selenium educational presentation to the Montrose County Planning Commission on March 26th. Marc Catlin of the Uncompahgre Valley Users Association (UVWUA) also came to speak to the commission about what the selenium water quality problems mean to the agricultural community. Dave Dearstyne of the NRCS spoke to the commission about land use and selenium loading and soils concerns. The Planning Commission thanked the Coordinator, Mr. Catlin, and Mr. Dearstyne for their time and encouraged them to put the power point presentation on the web-site for download and to forward the selenium and soils maps to the MP consultant.

A presentation was given to the Lower Gunnison Basin Roundtable (LGBR) members on April 6th. The presentation was well received and the members had a number of questions related to the impact of the draft Selenium Management Plan (dSMP) on water users in the Lower Gunnison Basin as proposed under the draft Programmatic Biological Assessment (dPBA) for the Aspinall Unit Reoperations.

The Colorado River Water Conservation District (River District) invited the Coordinator to give a selenium educational presentation to the River District Board members (Board) on April 21st. Dave Kanzer of the River District (STF member) also gave the Board a review of the Aspinall Unit Operations and brought the Board up to speed on the draft Aspinall Unit Reoperations Environmental Impact Statement (dEIS), dPBA, and the dSMP. Sonja's presentation was well received. Sonja took the opportunity to thank the Board for their years of financial and technical support. Since 2001, the River District has provided over $84,000 of cash support for the

coordinator position which averages to about $11,000 per year and approximately $75,000 - $100,000 of in-kind technical and administrative staff support.

B. Grant Proposals

Watershed Restoration Proposal (WRP) - The Coordinator (UVWUA grant sponsor) submitted a proposal for $50,000 to conduct a canal lining demonstration project. The STF received notification that they were NOT successful in their application proposal. Reasons given by Co Water Conservation Board (CWCB) Staff was that they chose to fund well scoring applications within each major basin. They funded the Lake Fork Watershed Group. They encouraged the UVWUA (grant sponsor) to submit another application to the program that focuses specifically on the "*in-channel restoration and riparian re-vegetation of the drainages and gullies identified in the application*" rather than on the canal lining portion. The STF and UVWUA will consider their recommendations for the next round of applications.

Co River District Large Grants Proposal (Large Grants) – The Coordinator (UVWUA grant sponsor) submitted a grant application proposal for $50,000 to conduct a canal lining demonstration project. The STF and UVWUA received informal notification that the grant proposal was approved for $39,000.

Colorado Healthy Rivers Fund (CHR Fund) – The Coordinator (River District grant sponsor) submitted a grant application for $16,000 to the CHR Fund for the purchase and installation of a specific conductance monitor for the Uncompahgre River at Colona, and one year of selenium monitoring expenses. Notification of awards should be received by July 31.

Colorado River Basinwide Salinity Control Program: American Recovery and Reinvestment Act 09 (ARRA) – To help implement the ARRA 09, the USBOR Upper Colorado Region requested applications for reducing salinity contributions to the Colorado River. The Funding Opportunity Announcement (FOA) was released March 31, 2009 with a closing date of April 15th for proposal ideas and a final submittal closing date of May 14th. The stimulus funding needs to be spent within one year. This funding source can be used to support additional lining or piping.

C. Website Re-design

The Selenium Task Force Website Re-design (www.seleniumtaskforce.org) is 90% complete. The Coordinator presented the new look for the website and asked for input on logo designs.

II. Draft Aspinall Unit Re-Operations PBA, Conservation Measures, Selenium Management Program: Background to the Aspinall Unit Reoperations federal action. In 2003 the FWS made flow recommendations for the Gunnison and Colorado rivers for the benefit of endangered river fish. In the draft Environmental Impact Study (EIS) recently released by the USBR, they looked at different ways to operate the Aspinall unit to assist in meeting these flow recommendations. In order to meet higher stream flows in the spring, it means that there will be lower flows at other times of the year which influence selenium concentrations. Because the reoperation of the reservoir constitutes a federal action a Programmatic Biological Assessment (PBA) was completed as part of the EIS. The PBA looks at all impacts from private and public water uses. In early discussions, the FWS indicated that water users had to be concerned with the water-quality implications, specifically selenium. The PBA identifies a conservation measure for addressing selenium impacts in the Gunnison Basin and the proposed development of a Selenium Management Plan (SMP). The STF was identified as the oversight committee responsible for helping to coordinate and implement the SMP. The FWS will prepare a Programmatic Biological Opinion (PBO) on how the action will

affect the endangered fish species. By having a PBO, Gunnison Basin water users will obtain Endangered Species Act (ESA) coverage for the Aspinall reoperation and other public and private water use in the basin. At this time, a draft PBO is expected around the end of May.

The STF submitted formal comments to the USBOR regarding the draft PBA. A copy of that letter will reside on the STF website (www.seleniumtaskforce.org) under the "News and Information" toolbar alongside the draft PBA and EIS links for public information. The major concern noted by the STF was the lack of a clearly identified funding source for the SMP for both the coordination and implementation tasks. For example, the reliance on the Salinity Control Program (competitive funding source) for meeting the selenium reduction goals of the SMP is of concern.

III. Pros/Cons of coordinating a Section 7 Consultation for the Lower Gunnison River Se TMDL with the Aspinall Unit Reoperations (PBA) *(Federal and State participants via conference call included Sandra Spence (EPA, TMDL Specialist); Philip Hegeman (WQCD TMDL Coordinator) and Bonie Pate (WQCD Project Coordinator for the STF Lower Gunnison Se Watershed Plan Update))***:** The STF invited the USBR, State of Co Water Quality Control Division (WQCD), and the Environmental Protection Agency (EPA) to participate in a discussion about the feasibility and pros/cons of coordinating Section 7 Consultations for the Aspinall Unit EIS and PBA and the upcoming Lower Gunnison River Selenium Total Maximum Daily Load (TMDL). Based upon input provided by the FWS to the STF, it was the understanding of the STF that EPA approval of a selenium TMDL in critical habitat constituted a "federal action" which would require a Section 7 Consultation.

In summary, there was a lack of agreement on whether the approval of the selenium TMDL for the Lower Gunnison would require a Section 7 Consultation. The FWS indicated that a Consultation was required. The EPA said that a consultation was not required because they were simply approving a TMDL based upon an approved federal standard of 4.6 ppb (chronic water-quality standard for the protection of aquatic-life). The problem is that the FWS does not believe that the 4.6 ppb chronic water-quality standard is protective of aquatic life. The EPA indicated that they had consulted on other TMDLs for selenium in critical habitat (Ashley Creek TMDL, Utah) and they found that seeking the consultation was not helpful in providing an alternatives or outcomes which benefited the fish (Ashley Creek TMDL still in limbo). Conversations between the EPA and FWS are ongoing at this time.

One of the other questions asked by the STF to the EPA and WQCD was, "What happens if a standard is changed when you have a TMDL in place, such as in the situation of site specific standards or the conversion to a fish-tissue based standard from a water column standard?" The WQCD indicated that the WQC Commission (WQCC) could delay taking action on the new standard or the WQCC could approve site specific standards. The FWS indicated that the approval of site specific standard in critical habitat would require a Section 7 Consultation under the ESA.

IV. Selenium Pilot Bioreactor Presentation: A presentation regarding preliminary results of the performance of the pilot-phase passive selenium bioreactor was given by Tom Rutkowski (Golder Associates) and Russ Walker (Mesa State College). The technology for using passive selenium bioreactors for treating selenium discharges in our area appears to be successful. The bioreactor was successful in treating selenium discharges of 8 ppb to 40 ppb in the gravel pit dewatering trench with detention times operating at flow rates between 3 and 12 gpm and effluent averaging 1 ppb. At this time the bioreactor is treating about 3,500 gallons per day. Construction, operation and maintenance costs have been about $40,000. Average cost for the construction, maintenance, sampling, and electricity of the pumps was about $3,500/month. The bioreactor will continue to

be operated through the end of July using a higher influent source (North Trench approximately 100 ppb) and optimizing detention times to operate at flow rates of about 12 to 15 gpm.

Additional next steps suggested by the STF for the bioreactor include: 1) increasing the flow rates through the bioreactor until it achieves approximately 50% reduction in selenium, 2) applying for additional USBOR Science and Technology funds (or other) for continuing to test the existing bioreactor flow rates, influent source, and research on and aerobic polishing step for the final effluent which meets discharge standards for TOC and nutrients, 3) applying for funding to test permeable reactive barriers which use organic media to treat groundwater sources, and 4) installing and testing a series of bioreactors adapted for treating low flow drains.

V. **Continued discussion of the proposal to establish a Loutzenhizer Arroyo Basin Action Committee (LABAC) in cooperation with the Shavano Conservation District** (Key participants included Tom Grett, President of the Shavano Conservation Board (SCD) and Fred Fisher, local farmer and former board member). In general it was suggested that the LABAC of interested stakeholders could be assembled and organized to address significant economic and environmental problems in a concentrated effort in the Loutzenhizer Arroyo sub-basin. The SCD was identified as a suitable entity to possibly help organize this effort and further their mission given their relationship with the landowners and their knowledge of the diverse issues impacting the basin. The SCD was very interested and concerned about the selenium issue and they indicated their desire to be a part of the LABAC. The SCD indicated their need for funding support to help carry out the project. The SCD was concerned about the fact that the project appeared to be a coordination of government agencies working on issues within the basin. The group clarified that it was <u>not</u> the intent of the LABAC proposal but rather an opportunity for furthering communication and looking for opportunities to pursue large funding sources for potential projects in the basin. The STF indicated their willingness to help the SCD in identifying and pursuing a funding source(s) to help with the establishment and coordination of this potential organization. The meeting was going over time, so it was suggested that we continue the LABAC discussion at our next meeting (July 30th). The Coordinator is suggesting further discussions and clarification on the mission, vision, goals, and role of the LABAC.

VI. **Next Meeting:** July 30th, 2009 (10am to 3pm), USDA Service Center, NRCS Conference Room, Delta, CO.