Bighorn River, Dam, and Reservoir
Long-Term Issues Group
Meeting
Thursday, March 8, 2007, 9:00 a.m. – 2:30 p.m.
DeWitt Student Center
Northwest College, Powell, Wyoming

MEETING SUMMARY AND FLIP CHART NOTES

1. Welcome

Big Horn County, Wyoming Commissioner Keith Grant welcomed participants to Powell, Wyoming and this meeting.

Participants around the room introduced themselves. (A copy of the sign-in sheet for the meeting is attached to this summary.)

Lenny Duberstein briefly summarized the background leading to a long-term issues effort and why the Bureau of Reclamation initiated this meeting.

2. Agenda

Facilitator Anne Cossitt reviewed the purpose of the meeting, agenda, process (and ground rules) and two basic desired outcomes for the meeting today:

1) Identifying participants' issues and interests ("what" are the issues, not "how" are they to be solved)

2) Determining participants' commitment to continue discussion and exploration of solutions

3. Interests and Expectations

The facilitator asked those representing county, state, tribal, and federal governments to identify their entity's interest in the Big Horn River-Reservoir issue and to share expectations for this meeting and any for a long-term issues group.

<u>Interests</u>
(Note: the following list of interests was prepared from facilitator notes but was not captured on flip chart notes at the meeting)

Entity	Interest
Bureau of Reclamation	Operation of the Dam and Reservoir in coordination with multiple interests/uses
National Park Service	Recreational opportunities and access to recreation sites
Western Area Power Administration	Power generation, concerns about effects of drought
Bureau of Indian Affairs	Responsible for trust water rights for Northern Cheyenne and Crow, and also operate the irrigation system below dam

Northern Cheyenne	Concerns about protecting and marketing Northern Cheyenne water rights
Wyoming State Engineer's Office	Regulation and administration of water resources in Wyoming
Montana Department of Natural Resources and Conservation	Responsible for water resources in Montana, concerned about effects to water flow, channel changes, reservoir levels, effects of climate change
Montana Fish, Wildlife and Parks	Represent many interests (recreationists, wildlife, fisheries), Concerns about river and lake, effects of drought
Wyoming Game and Fish	Providing stewardship for fish and wildlife dependent on water in this system, and need to involve the resource's "owners" (the public)
Wyoming Governors' Planning Office	Assist in identifying a "means to share the pain and share the gain" with respect to the resources and various issues
Wyoming State Legislature (representative from Lovell)	Interested in full realization of the promises made when the dam and reservoir were created (as identified in various legal documents) to make up for lost lands and agricultural production
Big Horn County, Wyoming	Interested in updating the full-blown planning for the reservoir to address the changes since its creation and effect on initial goals (promises)

The facilitator reviewed the following summary of interests and perspectives after the presentations.

Initial Summary of Interests/Issues/Perspectives

- Operation of the dam/reservoir
- Recreation Resource
- Power production
- Water Rights-Administration of Water Resources
- Tribal water rights and allocations
- Water Flow-Water Levels (Reservoir and River)
    - Related Issues:
        - Need for definitive water level limits/standards
        - Flooding and Flood Control
        - Down-cutting
        - Channel change
- Fish and Wildlife
- Sedimentation
- Tourism (e.g., TransPark Highway)
- Agriculture
- Irrigation Needs
- Full Basin Management
- Address "Unfulfilled Promises"
- Drought
- Climate Change

Expectations

The facilitator reviewed the following summaries of expectations with the group after the presentations.

Expectations for Long-Term Group

Expectation	Consensus?
Collaborative Approach to Long-Term Group Decisions	Yes
Better comprehensive understanding of the issues (and inter-relationship among issues)	Yes
New approach to issues-solutions	Yes
Use of best data and scientific analysis	Yes
End Result or Product of Long-Term Group	No Individual ideas included: • A full comprehensive Resource Management Plan • Other legal binding document • A list of options for agencies to consider for implementation (with no binding authority) • Process to be about a year long • Process to continue as long as meaningful dialog needed on emerging issues
Basin-Wide Approach (including upstream dams and reservoirs)	No Individual ideas included: • Basin-wide approach critical and Big Horn (Yellowtail) Dam and Reservoir could not be addressed as "stand alone" • One project at a time—start with Big Horn Dam/Reservoir
Diverse Participation and Representation of Public's Interest	No Although group agreed having public's interest represented was important, no clear consensus on how that was to be done • Bureau of Reclamation cited concerns regarding Federal Advisory Committee Act (FACA) • Others indicated that public involvement should be expanded

Expectations for Today's Meeting

Expectation	Consensus?
List the issues before going to solutions	Yes

4. Issues

The facilitator then asked the agency representatives to think about their issues and to try and frame them as questions (to avoid problems of addressing issues to solutions instead of getting at the root issue). Participants were asked to put the issues in writing so that if not all were addressed as part of discussion, they could be collected and put into the summary.

The facilitator indicated that the purpose of this exercise was to get as many issues on the table as possible. Questions for clarification were allowed, but participants were asked not to debate issues.

The following were the issues captured on flipcharts.

Roundtable Presentation of Issues
(issues listed in order received and numbered for ease of reference)

1. How can we achieve full development of Big Horn Canyon Recreation Area per the promises made in the 1960's agreements creating the dam and reservoir?

2. What can we do together to address the full spectrum of interests upstream and downstream of the dam?

3. How can we maintain a Reservoir-River fishery and Recreation economy?

4. We need to know the full constraints and flexibility regarding the reservoir operations, starting with Yellowtail. (This is a major sideboard to what can be accomplished.)

5. How do we address in-flow, out-flow, and sedimentation issues in Big Horn Lake without considering an upstream, basin-wide approach? (for example, is addressing sedimentation at the source an option?)

6. How to manage effects of drought on river-reservoir management? (e.g., how can we better utilize more accurate forecasting and modeling?)

7. How to protect existing Wyoming water rights and administration?

8. Can cooperative agreements be reached by all parties regarding these water resources? (desire to avoid litigation)

9. How can the reserved water allocations of the tribes be of benefit to other water user interests? (What is the market for the water and where can it be used?)

10. How will any proposed changes in river-reservoir opportunities affect the power operation and flexibility? (desire not to cut back power production during periods of peak demand)

11. How do we effectively manage limited water for multiple uses? (need for long-term management strategies)

12. How can the Bureau of Reclamation improve Yellowtail operations to better meet multiple demands on that system (including senior water rights, contractual obligations, trust responsibilities, and other legal obligations)?

13. What can be done, if anything, to improve fishery habitat and reproduction below the dam at low flow levels?

14. We need a Resource Management Plan that's flexible to meet the various needs.

15. How can we get Congress to fund Bureau of Reclamation and National Park Service at levels necessary to obtain the data to support decision-making?

16. What are reasonable fishery expectations for Big Horn Lake?

17. What effects will the ratification of the Big Horn River compact have on long-term efforts of this group? (Need to have someone from the tribe to explain the compact details to the group)

18. What are the other recreational opportunities around the Lake? (e.g., what might be done to expand wetlands and wildlife habitat?)

19. What are the effects of the Yellowstone River Compact? (Group needs to understand that as a parameter/sideboard for what the group can do.)

20. Northern Cheyenne want to retain their water allocation (and their participation in this long-term issues group).

21. What is the status of Senator Baucus's bill and how will that affect what we do?

22. How can sediment be managed in the Lake and the use of Horseshoe Bend retained?

23. How do we deal with effects of reduced visitation at the Recreation Area and how can we make it so that people can enjoy the recreation opportunities? How do we stabilize the Lake?

24. How do we continue to ensure senior water rights holders' benefits from the resource?

25. How can we use the water so it is a source of revenue for the Northern Cheyenne Tribe?

26. How do we enhance tourism on both sides of the lake? *Dam?* Instead of Lake

27. Need to compare the recreation and economic benefits and impacts of the fishery resources above and below the dam.

28. Is Horseshoe Bend the fundamental (pivotal) key issue or is the issue broader than that?

29. How do we maintain reservoir elevations to support good, reliable sport fisheries?

30. Need to develop an economy to replace the agricultural economy lost to the reservoir (when reservoir created) or have the land asset returned.

31. Need to enhance the Broadtail waters (crossed by Highway 14A), which was supposed to have been a premier recreation area.

The facilitator wrapped up this session by asking those who wanted any of their additional written issues to be included to pass those to the end of the table. (Additional issues not discussed at the meeting are included at the end of this summary.)

5. Other comments

The facilitator then asked for any comments, issues, or questions from others who had not had a chance to speak.

Comments, Issues, Questions from Public
(issues listed in order received and numbered for ease of reference)

1. Why can't we have more public involvement in this process? Why are we limited by FACA? Need to involve public throughout this process and in the decision-making.

2. Recreation is important on its own merits, not just because it contributes to the economy.

3. Sedimentation is a huge issue.

4. What is really causing low water levels in the Lake and what can really be done to address it?

5. This group does not need to re-invent the wheel—there are documents out there already that can be used as a start for this group, as well as the results of meetings held by the Friends of Big Horn Lake over the past few months that just about everyone at the table attended.

6. Just about every issue brought up so far would be addressed if the reservoir was full? How is it managed so that it can be full? (Bureau of Reclamation manages the gates)

7. Need to recognize that local, in-state (MT) residents use the reservoir. There's too much focus on economic benefits from out-of-state recreationists on the

River below the dam. There needs to be a survey of who is using the river and reservoir. Most locals really use the reservoir. We need to expand use of the reservoir, not focus so much on the below-dam river.

8. The walleye-sauger population in the reservoir is down. What can be done about that?

9. Identify various mechanisms to improve public notification, transparency of process, and opportunity for public comment.

10. Will FACA requirements slow down the process and the ability to get a final legal document?

11. Communication and dialogue with public interests on a regular basis. For example, Friends of Big Horn Lake meeting with Darrel Cook of National Park Service—it's made a huge difference.

12. Can a full lake, fully developed recreation area, plenty of water in the river below, and even a highway connecting the area be goals of this group?

13. Need for a drought management plan

6. Next Steps

Participants agreed they should meet again to keep this process going. The next meeting will be held within a month (first part of April), with preferred location in Big Horn County, Montana. Participants concurred that alternating meetings between Wyoming and Montana was a good idea.

It was suggested that holding the meeting in the evening or on a weekend would make it more accessible to the general public.

Topics to be included on the agenda:

- Public Involvement
  Lenny Duberstein to get more information and confer with Bureau solicitor on how to improve public notification, transparency of process, and opportunity for public comment, with intent of making changes by next meeting. (Short of that he will present options and update at next meeting)

- Product/Process
  Explore and identify potential products of this group (since there was no consensus on that at this meeting) and the process for how to achieve the product.

- Clarification of the Legal Parameters

    - Presentation on the authorities and limitations regarding operations of the dam/reservoir, starting with Bureau of Reclamation.
    - Presentation(s) on potential effects of compacts.

- Climate Forecast Information

- A site visit of the Big Horn River below the dam was requested as an optional add-on to the meeting

Follow-up

- Bureau of Reclamation will work on setting up the next meeting, checking dates with county commissioners, and releasing a draft agenda in a week or so
- Meeting summary from flip charts will be sent to participants
- Others should check Bureau website www.usbr.gov/gp/mtao for updates or contact Lenny Duberstein at 406-247-7331, lduberstein@gp.usbr.gov

7. Other

Elaine Harvey, Wyoming State Legislator from Lovell, and Big Horn County (WY) Commissioner Keith Grant distributed packets containing a variety of documents relating to the development and management of the Big Horn Reservoir. They reviewed key points of these documents with the group.

ADDENDUM

Participants' Issues
Items written on individual sheets and turned in to the facilitator

How can we best manage water in the entire Bighorn Basin for the recreational benefits of the Bighorn Lake/River complex while meeting the statutory obligations of all the players?

Issues:

- Lack of recreational population in Lovell area
- Economic cost of developing Horseshoe Bend vs.value
- Protect economies based on use above and below reservoir

How do we address inputs/outflows/sedimentation into Big Horn Lake without addressing a basin-wide approach?

Would the Bighorn compact ratification (potential) preclude various alternatives that this group may come up with?

With the potential development of the Bighorn Canyon National Recreation Area, is Horseshoe Bend the drop-dead item, and will all potential alternatives have to include Horseshoe bend?

Is sediment control – 40 years after impoundment and accumulation of silt – a reasonable expectation?

Are current methods of sediment control sufficient and effective to make a difference in the future of the reservoir?

- Sedimentation/control – develop wetlands habitat
- River flows decreasing affecting fish population
- Lake levels affecting access for recreation
- Lake levels affecting fish populations in lake
- Drought affecting operation of reservoir
- Releases affecting power production
- Protecting existing and historical water users
- Accurate forecasting of stream flows
- Are there other recreational opportunities that can be developed around the Big Horn Lake area—like creating more wildlife habitat
- (Dust control vs. sediment control)

- Assure no impact to protection of existing Wyoming water rights and administration
- Be supportive of recreation interests in Big Horn County Wyoming
- No impact to Wyoming's ability to utilize allocations under Yellowstone River Compact
- State line means something when it comes to water rights
- Help MT understand how Big Horn/Shoshone Rivers operate in Wyoming
- Information from State Water Plan

Can cooperative agreements be reached by all parties to protect the water resource assets? Concerning storage and direct flow of the river and dam?

Big Horn River Compact (Crow Tribe)
River/Lake management plan development could affect flow release regime (Mt 20%-Wy 80%)

Developed legislation for Congressional approval this year

Interagency Big Horn Basin Meeting

Yellowstone River Compact

Balance of economy—for constituents, i.e., fishery resource above/below the dam

- How can value of hydropower be improved?
- What, if anything, can be done to improve fish habitat, reproduction at low flow levels?
- How can sediment be managed in the lake?
- Can utilization at Horseshoe Bend be sustained and how?
- What would it take to make BCNRA a national tourist destination?
- How do we know moment when it starts to rain?
- Needs—recreation opportunity, power production, senior water rights holder benefits, a Bighorn Tour M… (spelling?)

BIG HORN BASIN MEETING
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