

**Bighorn River System Working Group  
Meeting Summary  
Billings, Montana  
January 17, 2008**

**Welcome**

Participants introduced themselves. The agenda and ground rules were reviewed. Barb explained that in March the group will reach its one-year anniversary. So, it's appropriate to look back and look ahead, to see where we've come and what our ultimate goals/products will be. The agenda has been built around a topic that has come up several times at past meetings, the ability to address conflicts.

The outcomes for this meeting are:

- 1) Discussion/decision on inclusion of short-term issues
- 2) Increase knowledge of river fishery resources
- 3) Insights into multi-stakeholder problem solving processes
- 4) Information exchange on technical activities

**Review of Previous Meetings**

The group has met five times prior to this meeting, rotating meetings between Wyoming and Montana. Many of the participants have been able to attend half or more of the meetings. Meeting notes from all of the previous meetings can be found on the Bureau of Reclamation's website. [www.usbr.gov/gp/mtao/](http://www.usbr.gov/gp/mtao/)

Over the course of the past year there have been agreements on a number of items. In addition to logistics and agenda format, the group has agreed on the importance of continuing to educate themselves on issues related to the scope of their work, to a problem statement that serves as the reason to convene, to a charter that defines the scope of the group's work, and that there is value in continuing the dialogue. The problem statement and charter respectively, are as follows:

*"Local, state, tribal, and federal entities are concerned that the Bighorn River system is not being managed in a way that fully protects and utilizes the system's resources to address the multiple demands, needs, and expectations of the public."*

*"The Bighorn River System Long-Term Issues Group is formed to identify, explore, and recommend alternative courses of action to local, tribal, state, and federal entities responsible for managing the Bighorn River system resources for their consideration as part of a long-term management strategy. The challenge is to re-examine the uses and needs of the Bighorn River system to find an appropriate balance of public benefits, while recognizing the respective agencies' commitments to authorized project purposes, legal obligations, contemporary needs and public expectations."*

## **Scope of Work**

Lenny reviewed the fact that this group was initially formed to focus on long-term issues and not be diverted from this effort by short-term or annual operating decisions. Reclamation has heard repeated requests for involvement by this group in annual operations decision. Lenny believes that there has been good progress in identifying a number of long-term issues, studies are underway, and the group is functioning cordially. The time is right to add these annual operations to the scope of the group's work. He asked the participants for feedback on this proposal. Those who responded thought that addressing shorter-term issues was a good and welcome idea that they had been asking for. Reclamation will still be making the actual and final decisions, as they are required to do. Participants understood this, but want the chance for input and also to know if and how their input was considered in the annual operating decisions.

**Consensus Decision: Expand the scope of work for this group to include providing input to annual operating decisions. It's OK to change name of group to reflect that it is not working solely on long-term issues.**

### **Bighorn River Fisheries** (Ken Frazer, Montana Department of FWP)

Ken gave a power point presentation. The following are highlights of that presentation. Flow is the single biggest factor affecting the fishery in the river. Related to that, side channel habitat is key. FWP conducts two population estimates on the river each year for rainbow and brown trout--one in June and one in September. They have 20 years of data. They have found that at a flow of 2500 CFS, side channels are in use. At a flow of 2000 CFS, there is minimum fish flow and some side channels are lost. At 1500 CFS, most side channels will be dewatered and the fishery is being lost. Ken showed pictures of the river at each of these levels of flow. The number of fish per mile and the age groups are recorded during the population estimates. The first result of low water is the loss of smaller fish. The issue is getting survival in young of the year. Predation is the main problem because small fish have to live with the larger fish in the main channel. Ken sees better production of rainbow than brown trout in low water years. He is very concerned with the lack of young fish found in the river last fall and what this will mean in the future. In the past, anglers have been satisfied with either large numbers of fish to catch or smaller numbers of larger fish. It's possible that in the immediate future there could be both smaller numbers of fish and smaller fish at the same time. FWP is also responsible for the fishery in the north end of the reservoir. The walleye, sauger, and channel catfish populations are looking good in the reservoir. Burbot is also present.

### **Building Institutional Capacity to Address Conflict** (Matthew McKinney)

Matt introduced himself and his partner, Joe McMahon, (who was not present) citing their experience all over the country and in other countries dealing with water and other natural resource issues. He has worked on the Missouri and Yellowstone Rivers among others. Matt is part of a graduate program associated with the University of Montana that specializes in natural resource conflict resolution with a goal of training future leaders.

Matt and Joe were asked by Reclamation to assess the effectiveness of this group and make recommendations for the future. Joe conducted ten phone interviews with participants in the long-term issues group. Matt handed out a summary report with information from the interviews and their conclusions. The following were some of those findings:

- Interviewees found the exchange of information helpful,
- The group assisted participants with understanding needs and interests,
- The group has created a foundation,
- Participants expressed frustration with the fact that USBR is dominating the agenda and lacks flexibility. Participants were also unclear on if/how input and advice from the group is used by Reclamation.

Matt and Joe have four primary recommendations:

- 1) Need to create a forum to address short-term issues and stakeholders should design the process.
- 2) Need to create a joint fact-finding process. What do we need and want to know? Build on existing information.
- 3) Seek agreement on principles to equitably share water resources. For example; "first in time-first in right," statutory obligations, who needs how much water and when?, promises made, and the economic value of alternative uses.
- 4) Maximize the chances of success by avoiding escalation, confrontation, and litigation. Work jointly. Outcomes are uncertain with other potential processes such as political or litigation.

Additional thoughts include that the process used must be homegrown. There is no formula for success with multi-stakeholder processes. The tension between building trust and getting something done must be balanced. Face the constraints head-on, in this case, how FACA applies may be one of them. Consider parallel processes. Matt referred participants to page 4 of their report for key ingredients and guidelines for success.

Habits for effective collaboration include:

- 1) Catalyst: a compelling reason
- 2) Regional fit: interests and territory of the problem
- 3) Leadership, representation, and capacity
- 4) Facilitate learning
- 5) Strategy of action

6) Implementation: vision to action

7) Adopt, monitor and evaluate progress

What does all of this mean for the Bighorn Working Group? Matt proposed an exploratory committee to come back with ideas on the best method for the larger working group to participate in the short-term operational decisions.

WHAT: Create a charter and describe the purpose.

WHO: Consistent participation, diverse representation, and small groups must represent all key stakeholders.

HOW: Identify interests to be represented, have the interests determine how many are needed to represent them, simultaneously decide on how decisions will be made (majority decisions have different representation implications than consensus decisions), identify who the representatives will be. The goal of the process is for the constituencies (not the individual representatives) to come to agreement. How will the representatives communicate with their constituencies? How do the various constituent groups make their decisions? Be transparent, get to interests, and clarify commitments.

Discussion: The group spent quite a bit of time discussing the subject of if and how the Federal Advisory Committee Act might apply to this effort. No clear answer emerged. Solicitor opinions are needed. One suggestion was made to look into how the Army Corp of Engineers has benefited from statute in its handling of the FACA question for the Missouri River group. Meeting the spirit of FACA (a transparent process with diverse participation) is important. Reclamation is most interested in consensus recommendations when that is possible.

**Decision: The group will not form an exploratory committee on how to participate in the annual operating decisions. Instead, a meeting of the whole group will be scheduled during the day for Thursday, March 13 in Wyoming. The agenda for this meeting will be centered around understanding how the annual operations decisions are made, how input is used, and finally providing any input desired by the participants to the decisions that Reclamation will be making later this spring. On the evening of March 13, Wyoming Game and Fish will host the meeting in the same location (if possible) to gather public comments on the spring operations decisions.**

#### **Technical Team Reports/Status**

- Sedimentation (Dan Pridal, USACE)

Dan gave a power point presentation about the study on sedimentation. The scope is to look at sediment transportation in the reservoir. They will be comparing sediment management alternatives and providing recommendations

that will highlight constraints, issues and impacts. The alternatives will have appraisal cost estimates assigned. Preliminary alternatives include maintaining a higher pool during the recreation season, trapping sediment upstream of Horseshoe Bend, flushing sediment through Horseshoe Bend, and managing sediment within Horseshoe Bend. To arrive at the recommendations they will be collecting data, and then developing and running a model. The final report for the project is due November 2008. The study is estimated to cost \$100K s and funds are needed.

- Flood Pool Modifications (Doug Clemetson, USACE)

Doug gave a power point presentation about the work on the flood pool. They will be looking at impacts on flood control if the joint-use flood pool is raised from 3640 to 3645 feet using a simulation model. The model will look at streamflow, inflow/outflow, precipitation, spillway, discharge, operating criteria, and design flood data. Outputs will include flows, elevation, storage, and flood reduction damage benefits. The study is starting this month (although Gordon Aycock has already been working on this.) Final report will be done in November 2008. The cost of this study is estimated at \$170K and funds are needed. Projects and products will be delayed if funding isn't found in fiscal year 08.

- Bighorn River Side Channel Investigation (Stephanie Hellekson, Reclamation)

A Memorandum of Understanding (MOU) has been developed for this project to involve all interests. The MOU will enhance cooperation and collaboration, provide specific expertise, and ensure stakeholder interests are represented. Stephanie encouraged any party that was interested in being a signatory to this or other MOUs to contact her. The side channel study is expected to take three years and cost approximately \$400K. The team working on this is currently assembling geomorphic data. The geomorphic analysis will cost \$90 and be completed by September 2008. Additional tasks that are not yet funded include aerial photography (\$100-\$150K), and hydraulic modeling (\$100K.)

- Recreation (John Keck, NPS Bighorn Canyon NRA)

John has been visiting with all of the interests. NPS would like to move ahead with a variety of opportunities. They want to make sure recreation is addressed under a variety of operating scenarios. A two-year concessionaire operation will be permitted at Horseshoe Bend with flexibility built into the contract to accommodate different operating scenarios. Anyone with ideas or comments can contact John in Lovell.

## **Proposed Activities, Products and Schedule**

Lenny talked about the importance of documenting the products of this group, from education efforts to technical activities. Reclamation will be preparing an Assessment Report to document what has been learned. The report will also give background, cover the project authorities, and address how the dam is operated today. This will provide a baseline. It will probably take around nine months to put this report together.

If there are reasonable promising proposals as a result of the technical studies summarized above, then the next step will be to determine responsibility for a lead agency. After that, detailed feasibility studies may be initiated if authorized by Congress. After completion of a feasibility study, Congress will then be required to authorize and fund for implementation. The long-term future of this working group will be determined by the group itself.

## **Wrap-up**

The group decided to add short-term or annual operating decisions to its scope. The group chose not to establish a short-term or exploratory group to come back with recommendations to the larger group. They decided to proceed with getting involved in the operating decisions by meeting March 13 in Wyoming. Lenny will send out the decision criteria prior to the meeting. At that meeting the group will look at the criteria for how the decisions are made, how the potential impacts are considered, how public and agency input is used, and to give input for decisions to be made by Reclamation this spring.

In addition to working to understand and affect the annual operating decisions, the group will continue on the path of developing a framework based on sound science. This framework, while not dictating any particular decision, would guide Reclamation's annual decisions under different scenarios (e.g. drought) and lend stability and better predictability to the process for all interests. The framework will also need to address the role of other reservoirs in the basin.

The efforts of the working group will be documented through an Assessment Report.

Next meeting will be March 13, 2008 in Wyoming. Location to be determined.