

**Bighorn River System Long-Term Issues Group
Flip Chart Summary
Lovell, Wyoming
June 8, 2007**

Welcome

The agenda and ground rules were reviewed and an overview of the first meeting held March 8, 2007 in Powell, Wyoming and the second meeting held in Ft. Smith, Montana on April 12 was provided. This is the third meeting of the group.

At the first meeting, participants identified issues and interests, and agreed to continue meeting. Concerns were raised about how the public participated in discussions. The second meeting agenda included a discussion of the roles of all participants and the resolution of the public participation concern. Because of the nature of the process and product(s) expected as a result, the concerns about violating the Federal Advisory Committee Act (FACA) have been satisfied and meetings can have open participation. Presentations at the second meeting included authorities of the Yellowtail Project and Bighorn Canyon National Recreation Area, operations at Yellowtail, and power generation. The group discussed the draft problem statement and charter/purpose. There was general agreement with the direction for the group, but the question "What does Bighorn River system mean?" was not resolved. Discussions on the scope of this effort need to continue. The group decided at the second meeting that they would like to have the meeting structured with informational presentations in the morning and whole-group discussion in the afternoon.

The Bureau of Reclamation (Reclamation) has established a website where information from this group will be posted:

<http://www.usbr.gov/gp/mtao/>

Water Administration by Wyoming and Montana

Loren Smith, from the Wyoming State Engineer's Office, gave a presentation about how water is managed in Wyoming. Loren's presentation will be posted on Reclamation's website above.

Keith Kerbel, from the Montana Department of Natural Resources and Conservation, gave a presentation about water rights management in Montana. Keith's presentation will be posted on Reclamation's website above.

Reclamation Water Operations in Wyoming

John Lawson, from Reclamation's Wyoming Area Office, gave a presentation on how Reclamation manages Bull Lake Dam, Pilot Butte Dam, Boysen Reservoir,

and Buffalo Bill Reservoir, which are all located upstream from Yellowtail Dam. The average amount of water has been declining and Reclamation must manage this decline. The trend since 2001 is that the snowpack is being depleted up to 45 days earlier than the previous 30-year average. And the 30-year average snowpack is down 20% since 2000. John's presentation will be posted on Reclamation's website above.

Crow Compact, Northern Cheyenne Obligation

Majel Russell, legal counsel for the Crow Tribe, gave a presentation about the water compact between the Crow Tribe and the State of Montana. The compact was adopted by the state in 1999. The compact was a global settlement. This means that issues in addition to water were addressed in the compact. The compact now must be ratified by Congress and then adopted by the Tribe. The priority date for the Tribe's water is May 17, 1868. Majel's presentation will be posted on Reclamation's website above.

Gordon Aycock, from Reclamation's Great Plains Regional Office, gave a presentation on how the Crow and Northern Cheyenne obligations could affect water operations, flows in the Bighorn River, and reservoir levels. If/when the compact is ratified, Reclamation will honor the Crow Tribe's requests under the compact. Gordon's presentation will be posted on Reclamation's website above.

Technical Teams/Activities

Lenny Duberstein, from Reclamation's Montana Area Office, was tasked at the previous meeting with following up on technical information needs. The technical teams will conduct research and analysis in between the Issue Group meetings and report back to the whole group. He explained that technical activities are underway in three subject areas.

1) Sediment in the reservoir

John Remus, from the U.S. Army Corp of Engineers, visited the reservoir in April to talk about sediment management. He has developed a study plan with a cost estimate (\$80,000) and schedule. Lenny Duberstein will be contacting potential partners for this project. On a related note, Reclamation will be starting a re-survey of sediment levels in the reservoir in July.

2) Flood operations

Gordon Aycock explained that there is an opportunity to look at re-allocating some of the flood control space in the reservoir to other conservation uses.

3) Sediment and degradation in the river below the dam

The issue here is “How do we deal with water that is free of sediment below the dam?” Montana Fish, Wildlife and Parks have requested technical assistance from the Bureau of Reclamation to address this issue. Reclamation will start addressing this issue by utilizing technical staff from Reclamation’s Technical Service Center in Denver. The staff has experience with this situation in other locations.

4) Other technical activities

Additional technical activities and/or teams may be appropriate. Issues that need to be addressed include; water conservation, reservoir management, recreation, and/or economics. Please provide feedback to Lenny Duberstein on any of these topics.

Problem Statement and Purpose/Charter

The following problem statement was agreed to at the previous meeting with the caveat that “system” needed more clarification. Lenny Duberstein wanted the Lovell participants to have the opportunity to discuss this as well.

“The amount, timing, and location of water available in the Bighorn River system to support all required and desired uses including, but not limited to, tribal obligations, recreation, aquatic organisms, power generation, and irrigation is limited and variable. Our challenge is to take a new look at all uses and needs, while recognizing commitments to authorized project purposes and other legal obligations—including water rights.”

The attendees in Lovell commented that this problem statement did not mention specific recreation developments. This also did not contain the words “promises and plans” as an obligation that needed to be included. And some suggested including the word “understanding” before the word commitments. Time did not allow resolution of the wording suggestions. Participants to the process are encouraged to make suggestions to Lenny and a revised version will be revisited at one or more future meetings.

Discussion on the following draft purpose statement included the following points. No agreement was reached.

- the problem statement (above) appears more water-focused while the draft charter is broader in scope,
- management needs to address changed conditions (drought), and
- several individuals suggested simplified versions such as “water management that works,” “use and enhance the land, water, and canyon resources,” “limited resources, conflicting demands.”

“The Bighorn River System Long-Term Coordinating Group has been formed to identify, explore, and recommend alternative courses of action to the federal and state agencies responsible for managing Bighorn River and Bighorn Reservoir resources for their consideration as part of long-term management strategies.”

Group Process, Schedule and Products

Clayton Jordan, from Reclamation’s Montana Area Office, presented a project model that included a sample list of tasks and a schedule. The purpose of the presentation was to provide more clarity on how the group will proceed. Participants were asked to review the chart and be prepared to offer comments at the next meeting. Clayton’s presentation--including the scheduling tool--will be posted on Reclamation’s website above.

Wrap-up

The next meeting will be held either in Fort Smith or Billings, Montana so that the U.S. Attorney from Montana can attend. The agenda will be built around legal issues. Desired agenda topics include;

- Yellowstone River Compact
- Federal Reserved Water Rights including Native American rights
- Jurisdictional balances between flood control, water rights compacts, etc
- Jurisdictional balances between Reclamation and the National Park Service
- Who is responsible for resource management plans and who should fund them?

Thanks to the Friends of Bighorn Reservoir for providing a fine lunch!

Field Trip

Rick Lasko from the National Park Service and Bob Croft from Friends of the Bighorn Reservoir hosted the field trip. Participants visited Horseshoe Bend recreation facilities and other boat ramps.