

Interbasin Compact Committee (IBCC)  
April 29, 2011: 8:00 a.m. – 5:00 p.m.  
Double Tree Hotel  
8773 Yates Drive Westminster, CO 80031  
*Meeting Summary*

**Attendees**

**Members**

Stan Cazier  
Carlyle Currier  
Jeris Danielson  
Jeff Devere  
T. Wright Dickinson  
Steve Harris  
Taylor Hawes  
Melinda Kassen  
Rod Kuharich

Eric Kuhn  
Olen Lund  
Doug Monger  
Peter Nichols  
Mark Pifher  
John Porter  
John Rich  
Mike Shimmin  
Travis Smith

John Stulp  
Bill Trampe  
Carl Trick  
Wayne Vanderschuere  
Steve Vandiver  
Eric Wilkinson  
Jay Winner

**Staff**

Heather Bergman – Peak  
Facilitation  
Jacob Bornstein – CWCB  
Viola Bralish – CWCB  
Alex Davis – DNR

Todd Doherty - CWCB  
Jennifer Gimbel - CWCB  
Mikaela Gregg – Peak  
Facilitation  
Eric Hecox – CWCB

Greg Johnson – CWCB  
Sue Morea – CDM  
Dori Vigil - CWCB

Members of the public were in attendance

### **Introduction: John Stulp**

IBCC Director John Stulp opened the meeting, thanked all those involved in the Statewide Summit, and shared that he felt the Summit was an overall success. Director Stulp expressed that he was encouraged by the forward momentum of the IBCC and the recent subcommittee meetings in which feedback from the Summit was addressed and incorporated into next steps/subcommittee work plans.

### **IBCC Feedback Regarding the Statewide Summit**

Committee members offered feedback regarding the Statewide Summit. Comments from this brief discussion include:

- There seems to be an abundant desire to see more specificity in the framework and from the IBCC and basin roundtable discussions.
- There is a great deal of support for advancing progress and conversations toward implementation, specifically to address how all five elements will advance concurrently and with an appropriate balance. There seem to be high(er) expectations for the IBCC to move forward.
- There was good communication and dialogue during the Summit. There is a need to continue this dialogue and expand it across the state.
- There seems to be a good amount of support for an annual statewide summit.
- There are still people who need to be included in the conversation; the 'right' people need to be at the table in order to move things forward and guide conversations in an effective direction.
- The Summit provided a good opportunity to share information and hear different perspectives, concerns, and values from around the state.
- The issue of agriculture continuing to own agricultural water rights (versus selling them to municipalities and leasing them back) needs to be addressed. Farmers and ranchers would prefer to retain ownership while municipal water providers have concerns about their ability to provide reliable water supply.
- There is concern that conservation is not supported to the same degree as other elements in the framework.
- There seems to be a disconnect between the IBCC and the basin roundtables, and there is a perception that there is a significant need to inform and educate roundtable members about IBCC efforts and progress. It does not seem like the information is getting out to the extent that is needed, which is slowing down progress. However, there does seem to be a greater level of involvement and representation from the basin roundtables.
- Many are looking forward to the completion of the basin needs assessments and the opportunity to use this information to expand conversations between roundtables.
- There seems to be an overarching belief that the basin roundtables should be more involved in the discussions and IBCC process.
- It is important to look at how to balance human and environmental needs; there could be an opportunity to expand this discussion between the roundtables.
- There seems to be a need to focus more on protecting current resources and infrastructure rather than looking to build more projects.

### **Discussion: Debrief of Statewide Summit Table Discussions**

Committee members were asked to share their experience and impression of the Summit table discussions. Comments include:

### General

- There seemed to be a good mix within the groups and good conversation about a wide-range of issues related to water needs and water use, and the discussions seemed to be beneficial to those involved.
- It was a good opportunity for basin-to-basin education (e.g., regarding the Colorado River Compact) and demonstrated the need to increase educational efforts and expand the conversation across the state.
- It brought to light the value and importance of communication in the IBCC process.
- In the future, it would be valuable to increase the focus of the discussions, better explain the desired outcome, and provide more time.
- It is important for subcommittee members to demonstrate a level of ownership (e.g., support, explanation, etc.) for the IBCC framework, process, and progress.
- It was nice to see new faces involved in the conversation.
- It is valuable to recognize that most people bring to this conversation a regional/personal perspective. What makes the IBCC unique is that it is charged with taking the diverse perspectives, needs, values, etc., and integrating them to build a statewide perspective.

### New Supply

- There was a good deal of discussion about the Statewide Water Supply Initiative 2010 (SWSI), the length of time that will be required to implement identified projects and processes (IPPs), the roadblocks affecting progress, and the constitutionality of junior-junior water rights.
- It was suggested that the Attorney General be brought into the conversation to discuss the water rights issues.

### Nonconsumptive Needs

- The discussion brought to light some of the misconceptions and misperceptions that are circulating around the state; a next step should be to address/clarify the misinformation.
- The issue of measurement was a central topic; there is a desire/need to measure but also an issue of how it can be done appropriately.
- There is a need to discuss how nonconsumptive needs can be addressed/included in project development.
- There was support for the fact that nonconsumptive needs were not addressed as separate, isolated topic; participants supported integrating nonconsumptive needs into discussions of the other components of the framework.

### Alternative Agricultural Transfers

- This was a difficult conversation but the discussion was valuable as it revealed many different perspectives, interests, concerns, suggestions, etc.

### Identified Projects and Processes

- While there were no solutions developed, there was a sense that people walked away from the discussion with a greater and more informed ability to address and discuss this topic further.

### Conservation

- The conversation generally focused on the regional needs of participants, which seemed to be educational but not very productive.

- There is a need to continue to educate people, to make a better effort in publicizing the many success stories from around the state, and to connect urban and rural efforts and understanding.

#### Putting it All Together

- It was expressed that while the Summit provided an opportunity for education, many want to hear more from other roundtables and from the State on a more regular basis.
- There was a good deal of discussion about the desire to see more about economic, environmental, and social risk assessment.
- There was a general feeling that IPPs and conservation are the most critical elements in the framework and should be prioritized as such.
- There was agreement from one table group regarding the need for development of a statewide conservation ethic.
- The issue of process—inclusion and bringing more people to the table—was a key discussion point.

#### **Survey Summary: Stakeholder Feedback on the Statewide Summit**

Facilitator Heather Bergman provided a brief summary of the post-Summit survey in which participants were asked to share their opinions and offer feedback. Highlights from the survey include:

#### General

- 61 participants completed surveys: 10 responses from non-basin roundtables, 51 responses (65%) from basin roundtable members.
- 80% of respondents thought the Summit was either very good or excellent.

#### Expectations

- The majority of participants expected the Summit would help them develop a greater understanding of other roundtables' approaches to exploring water supply strategies. Many also expected to hear a discussion regarding the role(s) of roundtable members in the development of IBCC recommendations and the portfolios of solutions.
- 97% of respondents felt their expectations for the Summit were met sufficiently or better.
- Participants generally felt that the best parts of the Summit were: 1) meeting people from other basins and representing different interest, and 2) the table discussions on the framework.

#### Impressions

- Overall, the Summit did not change participants' impression of the IBCC framework overall, the components of the framework, and the balance of "gives" and "gets."

#### Understanding

- The Summit somewhat improved participants' understanding of the perspectives of members of other roundtables, the IBCC framework overall, the balance of "gives" and "gets" in the framework, and the Alternative Agricultural Transfer component.
- The Summit generally had no impact on participants' understanding of the conservation component of the framework, the new supply component of the framework, the IPP component of the framework, and the nonconsumptive component of the framework.

#### Status Quo

- 82% of respondents thought the framework was somewhat to substantially better than the status quo.

#### Roundtable Recommendations

- Recommendations for approaches to further roundtable-to-roundtable discussions supported more stateside summits, smaller one-on-one roundtable meetings, topic specific statewide initiatives, and increased roundtable initiatives.

#### Participant Agreement with Five Central Themes from Table Discussions

- 74% agree/strongly agree it is time to enter into an *implementation* stage.
- 95% agree/strongly agree it is time to develop *increased specificity*.
- 80% agree/strongly agree there needs to be a *larger role for the roundtables*.
- 83% agree/strongly agree there is a need to better *prioritize and target the financial resources*.
- 90% agree/strongly agree (none disagree/strongly disagree) there is a need to build more *trust and engagement*.

#### **Summary: Roundtable, Public, and Summit Feedback on IBCC Framework**

Facilitator Heather Bergman provided a brief summary of feedback gathered from the basin roundtables, public forums, and the Summit—specifically addressing suggested areas of improvement and next steps—regarding the IBCC framework. Highlights from this summary include:

#### General

- The IBCC has initiated a good process, and the framework is a nice first step.
- The recommendations made in the framework improve the balance of “gives” and “gets,” but the balance could be better--specifically, additional work is needed to address what the “gives” and “gets” mean and what that balance entails.
- There is an overarching desire to see/build more trust between the IBCC, basin roundtables, the State, etc.
- There is a desire to see an increased role for the basin roundtables.
- There is a need for improved Basin roundtable and IBCC communication and discussion.
- It is time for the IBCC to have “hard” conversations, move things forward, and add more substance.
- There is a need for greater discussion and inclusion of reuse in the framework. (It seems to be missing from the conversation/framework.)

#### Alternative Agricultural Transfers

- The issue of developing conservation thresholds for municipalities (a trigger) before transferring water from agriculture needs to be further developed.
- There is a general understanding that agriculture is a difficult conversation but that it needs to be addressed and ideally with more specificity, clarity, and out-of-the-box thinking.
- There is a need to address the issue of municipalities wanting/needing permanent transfers from agriculture in order to ensure a safe and reliable water source.
- There is a need for greater education to explain environmental, land use, economic, and socioeconomic benefits of agriculture.
- There is a desire to know how much water is used and needed in agriculture.

#### Identified Projects and Processes

- This is a good start in recommending a clear, sequential process that encourages working together and clarifies the role of the State.
- There is a desire to see more specificity and clarity regarding the IPP approval process.
- It would be valuable to outline the indicators of IPP success.
- There is a desire to see the role of the public and the need for transparency addressed.
- There is a desire to see sequencing/maintenance of State regulatory authority. Maintaining 1041 authority is also a priority.
- It needs to be clarified that the State is not prioritizing IPPs over other values/elements.
- It would be valuable to address other ways to facilitate IPPs.

#### Nonconsumptive Needs

- This is a good start.
- There is a desire to see the relationship between nonconsumptive needs and IPPs evaluated and nonconsumptive needs quantified and prioritized.
- It would be valuable to identify implementation methods for nonconsumptive needs.
- There is a need to integrate nonconsumptive needs with other consumptive uses and with new and current projects and agriculture (being mindful of the balance between support and hindrances of nonconsumptive needs from projects).
- The need to develop reliable funding for nonconsumptive projects needs to be discussed.

#### Conservation

- The conservation section of the framework is not sufficiently aggressive.
- The issue of conservation for savings/growth versus drought supply/mitigation needs to be addressed and education expanded to the public (i.e., how much conserved water can be applied to the gap).
- A one-size-fits-all/statewide conservation approach is generally not supported. It is suggested that the IBCC consider a basin-by-basin discussion to develop conservation targets and methods at a regional level.
- There is a need to address water law barriers to improve the “use it or lose it” mentality and allow for augmentation credits.
- There is a desire to see the balance of mandates versus incentives explored in discussions of changing behavior.
- It would be valuable to increase the role of education as it is a critical component to the success of conservation efforts.

#### New Supply

- This is a good start; it is especially good that new supply is being discussed in terms of East Slope and West Slope needs and attempts to balance “gives” and “gets.”
- There is support for the concept of triggers, risk management, and water banks.
- There is a desire to see more detail regarding risk management and triggers: what do they look like; what is the timing and sequencing; who will own, finance and operate a project, etc.; and what is the application of fees, criteria, etc. to large permanent agricultural transfers?
- There is a need to apply more specificity and clarity regarding the application of the water transfer fee and 1041.
- It may be valuable to look into identifying a “straw-man” project.
- There is a desire to know how much water is available and from where.

### **Colorado Water for the 21<sup>st</sup> Century Road Map: John Stulp**

Director Stulp provided the IBCC with a draft memo on the future direction and work of the IBCC and the roundtables. The purpose of this memo is to lay the groundwork and provide a general sense of direction for the roundtables over the next few years, taking into account the input received from each of the roundtable chairs and CWCB staff. This memo builds off and agrees with the overarching perception that the role of the State is to facilitate the grassroots process by establishing specific steps/objectives and deadlines and allow for the roundtables and IBCC to control the substance of each step. Therefore, the Colorado Water for the 21<sup>st</sup> Century (CW21) memo outlines short-term, mid-term, and long-term goals that are consistent with the desire for a bottom-up approach, the goals for the IBCC laid out by Governor Hickenlooper at the Statewide Summit, and feedback received from basin roundtables and the Summit. Highlights from this memo include:

#### **Short-Term Goals (Year 1)—Development of Portfolios and Begin Implementation**

1. Complete basin needs assessments in the form of the SWSI Basin Reports by the end of June.
2. Roundtables should continue to identify which projects and methods meet their nonconsumptive and consumptive needs.
3. Roundtables should look at spending Water Supply Reserve Account (WSRA) funds in a targeted manner to help ensure that Colorado and each basin will meet its consumptive and nonconsumptive needs.
4. Each roundtable should develop one or more statewide portfolio using the portfolio tool to send to the IBCC for discussion.
5. The IBCC will work to combine the 9 or more basin portfolios into several thematic portfolios for evaluation.
6. A joint CWCB and IBCC committee will be reviewing WSRA criteria and guidelines and recommending changes; all should send recommendations.
7. The IBCC and subcommittees will meet in April to review all IBCC and framework feedback to identify top priorities and next steps. An update will be provided to the Governor.

#### **Mid-Term (Year 2)—Develop Portfolio Specifics, Trade-Offs, and Evaluate**

1. IBCC members will work with their basin roundtables or constituencies to determine the specifics of cross-basin and statewide projects or methods.
2. Concurrently basin roundtables will work with their local constituencies to identify ways that the region will meet future consumptive and nonconsumptive needs using a portfolio approach.

#### **Long-Term (Year 3)—Resolve Remaining Issues and Develop More Specificity**

1. The Governor asked that from the portfolios, there is a need to develop sufficient specificity. To meet this request, roundtables should each develop an implementation plan to meet their nonconsumptive and consumptive needs, identify any barriers that may exist, and identify how these plans can be made a reality.

The specifics provided in the basin implementation plans will become the basis of a statewide plan. This is a way for the state to come together and collaboratively solve the broad range of water issues.

### **Discussion: Colorado Water for the 21<sup>st</sup> Century Roadmap**

IBCC members discussed the CW21 Road Map. Highlights from this discussion include:

- The Roadmap was developed with the intent to encourage basin roundtable efforts and coordinate these efforts with the subcommittee work plans, to develop an integrated sense of direction, engagement, and to increase dialogue between the IBCC and the roundtables.
- This is a good opportunity to address concerns expressed by roundtables regarding the IBCC. It might be valuable to have IBCC members engage in roundtable meetings beyond their home basin to help address concerns and misconceptions from a broader perspective.

- It might be valuable to provide the roundtables with a summary/presentation of the subcommittee work plans in order to help the roundtables understand the correlation between basin and subcommittee efforts and the broader goals for the IBCC and basin roundtables.
- There is concern that it is unrealistic to assign year-based deadlines to the goals and to expect a statewide water solution for the Governor in 4 years. Director Stulp responded to this concern, stating that as Director of the IBCC, he has been charged with encouraging and challenging the IBCC and roundtables to move forward and reach some milestones; the year-based goals are an effort to do this. Director Stulp further explained that the Governor is looking to see tangible progress in the next 4 years yet is realistic and recognizes the challenges, barriers, and complexities surrounding water issues.
- It is important to be careful in how “implementation” is used when discussing roundtable (and IBCC) next steps, as they are not charged with or able to implement projects. There is concern that people might read into this document and think that the IBCC can and will implement specific aspects of the framework.
- The memo does a nice job to support and endorse the process and to encourage the advancement of water projects and solutions.
- It may be valuable to make mid-term Goal 2 (constituency engagement) a short-term goal; more people need to be brought to the table sooner rather than later, and it is essential to increase education, support, and engagement.
- The Water Supply Reserve Account was established to ensure there was an avenue for addressing Colorado water needs and supply. It is important this account is used efficiently and broadly.
- There is concern that project proponents have not been identified or involved in roundtable discussions to date. There may be specific projects identified within the basins and without proponent support, it is unlikely there will be implementation of identified new projects. How can proponent engagement (specifically long term) and regional cooperation be facilitated by the IBCC? There is also a need to address whether or not the State has a role and if so, what and at what level; and if the State does not have a role, what proponents will need to be involved. There is a desire to see the State step up or step aside.
- One of the benefits of the IBCC process is the ability to create a document that helps outline where resources should be directed and what direction the State should take. It may be valuable for the framework to more specifically direct/suggest an appropriate role of the State.
- There is a need for greater transparency, specifically regarding the State, water providers, and project proponents. There is a need for a greater interchange of ideas between these entities before a project can move forward.
- There is concern regarding encouraging multi-purpose projects; it is difficult to find a balance between regional and state needs and values.
- Before developing a roadmap, the role of the IBCC needs to be identified in order to ensure a roadmap correlates and outlines an appropriate direction; there is a need to make sure everything is aligned at the IBCC level before roundtables advance too far with their assessments and portfolio development.
- There is agreement that it is time to start talking about portfolios. This information will support a discussion regarding the appropriate balance and need for all the framework elements and will then facilitate a discussion regarding project proponents.
- While the IBCC is not responsible for developing and implementing specific projects. There is a need for the IBCC to feed political will, move recommendations and suggestions forward,



advance education, gain public support for projects and issues, and create a common understanding of the water problem(s) and framework.

- There will be no nonconsumptive water unless consumptive—return flow—issues are addressed; there is a valuable connection between consumptive and nonconsumptive needs.

### **Presentation: The Colorado River Cooperative Agreement**

General Manager of the Colorado River Conservation District Eric Kuhn and Denver Water CEO/Manager Jim Lockhead offered a brief history of the development of the Colorado River Cooperative Agreement (CRCA) and discussed key components of the process. Highlights from this presentation include:

- This project joined together 34 water providers, local governments, and the ski industry in a process that attempted to balance competing interests, establish a shared vision for river health, develop reliable water supplies, and establish a sense of future cooperation rather than conflict. The process ultimately entailed five years of mediated negotiations to address several specific water issues and projects in order to avoid litigations and ongoing disputes between the West Slope and East Slope. The result is a proposed agreement for long-term partnerships between Denver Water and the West Slope—an agreement that seeks to balance water supply and environmental needs for both the East and the West Slopes.
- A significant motivator for this process was the Blue River Decree, which had become an ongoing dispute and continuous state debate.
- Denver Water was looking for enlargement of the Moffat system and to settle Blue River issues. It was thought that this process would be a good opportunity to discuss these issues with West Slope inclusion and ideally find a permanent solution.
- Denver Water had three core interests: 1) expand the Moffat system with Gross Reservoir, 2) establish certainty from the Blue River Decree, and 3) develop a level of flexibility in addressing East Slope water needs.
- The West Slope's central interest were to: 1) protect resources on a county level (each county had different needs), 2) settle Blue River issues, and 3) establish certainty for flows at Shoshone to support Green Mountain economic and recreational needs.
- Mediation was suggested by then-Mayor Hickenlooper; the process was thought to offer the most viable and reasonable possibility for solutions (even though all parties knew it would be a difficult process).
- The proposed agreement requires all parties to sign on, which is expected to occur by the end of the year. The implementation phase may be as difficult as the negotiation/mediation phase.
- Following full ratification of the agreement, there will be a 7-to 8-year implementation process.
- In order to create this agreement it was important to have all parties at the table, but it was also significant to ask things of others indirectly involved in order to gain support for the many significant and multifaceted elements included in the plan.
- The intent of this process was never to solve all of Colorado's water problems, but it was recognized that implementation of the plan could influence the advancement of other interrelated programs/plans such as: the Colorado Cooperative Agreement, Windy Gap, 10825, NEPA projects, Colorado River Programmatic Biological Opinion, Wild and Scenic Alternatives Management Agreement, and the Water Infrastructure and Supply Efficiency (WISE) project.
- Denver Water realized that as a company, it needed to look beyond its own needs and address the greater context of Colorado, acknowledge mutual interest, aim to preserve the environment, support local rural economics, and use supplies more wisely and sustainably.
- A central lesson learned from this process was the value of developing relationships and that such relationships provided an ability to work through difficult issues together, communicate,

learn from mistakes, and build essential dynamics that will support implementation and long-term efforts.

- When entering into a negotiation/mediation process like this, it is important to have clear objectives and know what you want to achieve yet understand that the negotiation process ultimately determines how you get there and what the end balance will look like. It is also important to understand what the objectives and needs are of the other parties involved.

For more information please reference the following associated websites: <http://www.crwcd.org/> and <http://www.denverwater.org>.

#### Discussion: Colorado River Cooperative Agreement

Members of the IBCC discussed the Agreement and process. Highlights from this discussion include:

- Environmental entities are not signatories of the agreement but are given an opportunity to voice input and suggestions for implementation.
- The role of the State in the agreement is important for managing administrative implementation and working relationships. Engagement of the State Engineer's Office for administrative elements was significant in helping to develop creative options during the negotiation/mediation.
- The agreement demonstrates the importance and significance of developing innovative, comprehensive solutions to address Colorado's water needs.
- Even with an agreement, there are barriers presented by water rights and water law. Maybe this is an area for the IBCC to address—making the atmosphere better for agreements brought to water court and helping the system work in a way that takes Colorado in the right direction. It is important to remove barriers that hinder attempts to do the "right" thing, to remove the barriers that require the development of "fictions/justifications" that have to be created before a solution can be developed.
- It is valuable to recognize that there are ways to avoid water court and develop solutions outside of water law.
- There is concern that changing water rights will impede the development of water arrangements that could help meet the needs of everyone.
- The agreement attempted to address the risk and benefits for other suppliers. Examples of this include:
  - Recognizing the interconnectedness of our systems and the direct and indirect effects it has on everyone.
  - Proposing an outage call that will make reservoirs release if there is a call.
  - Proposing a relaxation on a call when there is a need to store and expand by extending the call into the winter months.
    - This is important in order to maximize water storage during extend dry years.
    - This is also a good example of the level of detail that is required to meet the breadth of needs and establish a balance of gives and gets.
- Needs assessments are an important step in creating workable solutions.
- The more everyone knows about all the specific issues and elements affecting all sides, the easier it is to generate options and recognize possible solutions.
- This process demonstrates that it is possible to address the difficult issues, get down in the weeds, and have productive and successful conversations.

#### Subcommittee Reports: IBCC Work Plan Next Steps

Subcommittee members shared with the IBCC their recommended subcommittee work plans and next steps developed in response to feedback and suggestions gathered from the Summit and basin roundtables. Highlights from these subcommittee reports include:

#### New Supply: Summary of Proposed Next Steps

- The New Supply Subcommittee could engage in discussions to gain a better understanding of the timing, location, and size of the gap(s) on the Front Range. This will help isolate the size, type, location, and timing of the new supply project or projects that will be needed to address the gap(s). To get at this issue, the next step would be to discuss some of the IPPs that are almost through the permitting process, are close to being built, or have significant momentum to determine:
  - How much water each project is likely to provide
  - When that water is likely to be available
  - Where that water will be available and to whom
  - What infrastructure the project will include
- The Subcommittee suggested that the Alternative Agriculture Subcommittee should explore whether and how criteria, water transfer fees, or other kinds of tradeoffs should be applied to large, permanent agricultural transfers.

#### New Supply: Discussion

- The WISE project and how its water will integrate into the net demand will need to be discussed specifically as this project is distinct in that it does not produce new water but develops supplemental water resources.
- 1041 will need to be discussed. It was suggested that this conversation identify that the use of 1041 focus more on meeting the needs of the area of origin rather than allowing for a carte-blanche appeal.
- There is concern regarding how far in the future the new supply section will address and when specific projects and project proponents will be discussed. The subcommittee has suggested looking into the specific gaps before addressing specific projects so that a better, more informed approach can be taken to discuss specific projects.
- Research has already identified that there is going to be a gap. Rather than reassess the gap, it may be more valuable to look at when and if there is going to be a need to develop new supplies from the Colorado River. It seems that when and where the gaps will occur is an issue of infrastructure.
- It is important to make sure Colorado does not get into a situation in which it is not fully developing its entitlements but the other six Compact states are.
- There is value in evaluating the details—when, where, and how much water will be needed—before addressing the issue of which projects are the most viable.
- Water law continues to arise as a central issue. Additional comments regarding addressing water law include:
  - It would be helpful to have a very specific problem defined and a suggested set of solutions to work with before attempting to change legislation.
  - The IBCC statute specifically charges the IBCC to work within current law. Would discussing changes to water be in opposition to the statute?
  - Is it appropriate for a message to come from the IBCC acknowledging that there needs to be consideration of this issue in a broader arena? Colorado Water Congress's Legislative Committee may be a better venue for the discussion.

- The Colorado River Cooperative is currently grappling with water law issues. It may be more appropriate to wait and see what develops from their effort and use it as a starting point/foundation for addressing and working with this topic.
- It might be more valuable for the roundtables to develop a basin assessment and portfolio rather than a statewide approach.
- It is important all these issues and elements are discussed in balance and not as competing positions or components. There is a significant (yet often indirect and unobvious) connection and dynamic between all the topics; nothing is mutually exclusive.
- The Metro and Arkansas Basin Roundtables' Flaming Gorge assessment is an example of cooperatively addressing water issues. Should this effort move forward, it might be valuable to have the IBCC address Flaming Gorge project specifics.
- It is important to address risk management, the allocation of resources, and how risks (misjudgment of appropriation) will be addressed.
- There may be a need to address where and how much water can be developed before there is enough information from which to risk assessments.

#### New Supply: Agreed Next Steps

- The New Supply Subcommittee will proceed as described above, with the hope of having the new gap information from staff before the June IBCC meeting.
- The Subcommittee will also discuss ideas for engaging the roundtables with the portfolio tool.

#### Identified Projects and Processes (IPPs): Summary of Proposed Next Steps

- The IBCC should receive a brief update at their next meeting (4/29/11) about current State efforts to improve communication and efficiency among State and federal agencies in permitting and regulatory reviews. Highlights from this update include:
  - Currently, the Colorado Water Conservation Board is working to engage in a state effort to utilize SWSI 2010. If SWSI 2010 can become the foundation from which State agencies and the Environmental Protection Agency work from, it will be first step in creating a unified effort—yet allow each agencies to accomplish its goals/mission—to address Colorado water needs and to address the disconnects between State agencies and statewide education efforts.
  - The State is addressing the Fish and Wildlife Mitigation Plan in an attempt to streamline NEPA and 122 mitigation processes in a manner that will allow all projects and components to work together in a more effective manner.
- The Subcommittee would like to meet with Director Stulp to discuss the Governor's commitment to/interest in the Task Force process. If the Governor does not support the Task Force approach, the Subcommittee will reconsider its work plan. If the Governor does support the Task Force approach, the Subcommittee will determine if he has any suggestions or concerns that they should address during their refinement of the Task Force document.
- If the Governor is supportive of the Task Force process, the Subcommittee will spend some time refining the document that outlines that process in order to address some of the feedback from the roundtables, the public, and the Summit. The subcommittee will work to outline what the task force is *not* and address specific concerns/issues identified in the feedback.
- Once the Subcommittee has completed this refinement process, the Subcommittee would like to meet with Director Stulp again to describe the changes they have made and why. Assuming these changes are acceptable and sufficient, the Subcommittee would like to discuss with Director Stulp how to move the task force concept forward and make it a reality.

#### IPPs: Discussion

- The Subcommittee believes that it has been expressed in the feedback that the political will of making IPPs successful is more important than the document itself and therefore should be the focus of the Subcommittee's efforts at this time.
- While the Department of Natural Resources generally supports the concept of an IPP task force, it is important to determine if there is support in the Executive Branch before advancing the concept.
- Is there a conversation to be had about the role of the State (separately from the IPP Subcommittee discussion)?

#### IPPs: Agreed Next Steps

- The IPP Subcommittee will proceed as outlined above.

#### Alternative Agricultural Transfers: Summary of Proposed Next Steps

- Engage in a dialogue with the agricultural community about perspectives on and preferences regarding ownership versus long-term leasing of water and other alternative arrangements with municipalities.
- Engage in a dialogue with the municipal water provider community about perspectives, preferences, and options regarding ownership versus long-term leasing of water in alternative arrangements with the agricultural community.
- The Subcommittee will explore whether and how criteria, water transfer fees, or other kinds of tradeoffs should be applied to large, permanent agricultural transfers.

#### Alternative Agricultural Transfer Methods: Discussion

- There is a need to broaden the discussion to include the agricultural users and municipalities.
- It would be valuable to discuss the issue of water rights ownership.
- There is a need to address and clarify how the water transfer fee applies to agricultural transfers.

#### Alternative Agricultural Transfer Methods: Agreed Next Steps

- The Subcommittee will proceed as outlined above, including a discussion of whether and how criteria, water transfer fees, and other tradeoffs could be applied to large, permanent agricultural transfers.

#### Nonconsumptive Needs: Summary of Proposed Next Steps

- The IBCC should discuss with the CWCB and the basin roundtables how they might identify "non-consumptive gap" reaches or sub-watersheds; target funding towards these reaches and sub-watersheds; implement non-consumptive projects and strategies; continue technical support; support mitigation and enhancements; and develop a GIS overlay of non-consumptive and consumptive uses to indicate potential for collaborative and mutually-beneficial projects. The Subcommittee recommends that the IBCC finalize these requests, vet them with appropriate stakeholders, and determine how to further this proposal.
- The IBCC should explore and refine methods for quantifying environmental needs as part of its 2011 work plan. The resulting information would be available to help the State and stakeholders promote means and methods by which to meet non-consumptive needs and to help project proponents, stakeholders, and regulators better understand the non-consumptive

needs in a project area and to assist in better decision making regarding project siting, impact mitigation, and restoration or protection of environmental values.

- Two types of data are needed to provide more complete information about non-consumptive needs: modeled results from the Watershed Flow Evaluation Tool and targeted site-specific data. The IBCC should discuss how best to obtain and use the requisite data.
- In 2011, the IBCC should (with assistance from staff) investigate, evaluate, and recommend sustainable funding options to help pay for protecting non-consumptive values, which are often of statewide and public benefit.
- The Subcommittee suggests that the IBCC should discuss how to facilitate and help project proponents' consideration of incorporating tools to address non-consumptive needs in their permit applications as a voluntary, pro-active means of demonstrating their commitment to protecting environmental and recreational attributes.

#### Nonconsumptive Needs: Discussion

- There is a desire to see the IBCC clarify what nonconsumptive needs are (and are not), in order to better guide a later discussion regarding tradeoffs.
- There is a desire to see an additional task added to the nonconsumptive work plan: identify and discuss the connection between nonconsumptive needs and agriculture values. It may be valuable to have the IBCC request that the roundtables address this issue.
- It would be valuable for the Subcommittee to discuss water rights as they relate to nonconsumptive needs.

#### Nonconsumptive Needs: Agreed Next Steps

- The Subcommittee will proceed as outlined above, including a discussion of what nonconsumptive needs are and are not and a discussion of how to advance thinking about the integration or relationship between agriculture and nonconsumptive needs.

#### Conservation: Summary of Proposed Next Steps

- Develop specific actions to advance the recommendations identified for immediate implementation.
- Seek IBCC endorsement of those specific actions.
- Suggest what the Roundtables can do to provide information and perspective to inform the IBCC or Subcommittee discussion.
- Determine how to advance the discussion of recommendations that were offered in the letter to stimulate dialogue and consideration of additional water conservation measures. They are not endorsed by the IBCC literally as written.

#### Conservation: Discussion

- There is an effort initiated under Governor Ritter's administration that is looking into developing conservation-specific data.
- It is important that conservation measurements are addressed and regional conservation goals are established. The IBCC could initiate a conversation with the potential of outlining conservation goals for providers.
- It is important that the economic piece of the framework address the connection between water use and price.

#### Conservation: Agreed Next Steps

- The Subcommittee will proceed as outlined above, adding a discussion about how to proceed with requesting basin-specific conservation targets from the BRTs and a discussion of the relationship between price and demand (as usage goes down, price goes up).

**Public Education Participation, and Outreach (PEPO): Next Steps** As the IBCC subcommittees continue to address substantive feedback on the framework, PEPO will provide advice about how to proceed with broader outreach and engagement efforts to move the process forward. Specific next steps for PEPO include:

- Work with subcommittees to design outreach to regional groups and roundtables for feedback and the development of action items on how to move forward with strategic implementation. PEPO's role is to be a facilitator and support mechanisms in the process.
- Better define a process for releasing the work of the IBCC and expand mailing list and communicate how feedback has been used.
- Understand, partner and leverage with other statewide and regional outreach efforts such as Water 2012 and CWCB marketing work.
- Continue development and implementation of the Roundtable Education Action Plans and promote cross-sharing of basin activities.
- Ask Director Stulp to set expectations as related to a system of consistent and accountable communication between the IBCC representatives and their respective roundtables and constituencies.
- Host another statewide summit after next milestone in the process (not in FY 2012), after building on the various approaches listed in the first bullet between now and then.
- Understand if there are survey differences by geographic region, table topic, or if the respondent is a member of the public vs. a roundtable member.
- There is a need to better communicate/brand the work of the IBCC. It may also be valuable to look at rebranding some of the initiatives in order to establish better public understanding.

#### PEPO: Discussion

- There is a need to better communicate/brand the work of the IBCC. It may also be valuable to look at rebranding some of the initiatives in order to establish better public understanding.

#### PEPO: Agreed Next Steps

- PEPO will proceed as outlined above and discuss the issue of IBCC branding.

#### **SWSI 2010 Portfolio Tool Update:**

CWCB staff provided the IBCC with a revised and updated version of the SWSI 2010 portfolio tool. The tool will be finalized and ready for use by the end of June. It is the hope of CWCB that the SWSI report and portfolio tool will serve as the central source of reference for the IBCC and other water assessment conversations. Jacob Bornstein (CWCB) and Nicole Rowan (CDM) briefly explained and walked through updates made to the tool and addressed questions and comments from the IBCC. The portfolio tool will be available on the [CWCB website](#).

#### **Conclusion: IBCC Director John Stulp**

Director Stulp shared with the IBCC that he had been asked by Governor Hickenlooper to create and provide a report outlining and explaining the IBCC process, progress, and next-steps/work plans. Director Stulp expressed (and will include in the report) that he felt there was a good spirit demonstrated by the IBCC and a strong sense of commitment to discuss and address the difficult and

complex issues regarding Colorado's water needs and future. Director Stulp also commented that he believes the IBCC is thought of as a brain trust or think tank, and it is important to keep the current momentum from the development of the framework and the conversations stemming from the Statewide Summit. In closing, Director Stulp asked members of the IBCC to offer a ten-word or less statement that could be shared in the report to the Governor. Statements from IBCC members include:

- There is an intent to start down the implementation path.
- Do not leave anything behind.
- You can put a price on water but negotiation is priceless.
- We need to move forward to find solutions.
- Do not assume that one entity speaks for all tributaries.
- Political will
- For the Governor: be daring, think outside the box, move forward.
- All this (in reference to the above statement) takes leadership and courage.
- We (the State) need more money!
- Public education is a challenge and we have not been doing it.

### **Summary: Next Steps**

The following table is a condensed version of the information outlined above and summarizes the next steps.

New Supply	<ul style="list-style-type: none"> <li>• Proceed with outlined work plan.</li> <li>• While waiting for the additional gap data from CWCB staff (due prior to the June IBCC meeting) discuss and outline a recommendation regarding how to engage the roundtables with the portfolio tool.</li> <li>• Prepare and provide a summary of the gap information to the IBCC at the June 23<sup>rd</sup> meeting.</li> <li>• Prepare and provide the IBCC with a brief progress report at the June 23<sup>rd</sup> IBCC meeting.</li> </ul>
IPPs	<ul style="list-style-type: none"> <li>• Proceed with outlined work plan.</li> <li>• Prepare and provide the IBCC with a brief progress report at the June 23<sup>rd</sup> IBCC meeting.</li> </ul>
Nonconsumptive	<ul style="list-style-type: none"> <li>• Proceed with outlined work plan.</li> <li>• Add to the work plan the following tasks: <ol style="list-style-type: none"> <li>1. Identify and discusses the connection between nonconsumptive needs and agriculture values and if/how the roundtables should address this issue.</li> <li>2. Discuss water rights as they relate to nonconsumptive needs.</li> </ol> </li> <li>• Prepare and provide the IBCC with a brief progress report at the June 23<sup>rd</sup> IBCC meeting.</li> </ul>
Alternative Agricultural Transfers	<ul style="list-style-type: none"> <li>• Proceed with outlined work plan.</li> <li>• Discuss whether and how criteria, water transfer fees, and other tradeoffs could be applied to large, permanent agricultural transfers.</li> <li>• Prepare and provide the IBCC with a brief progress report at the June 23<sup>rd</sup> IBCC meeting.</li> </ul>
Nonconsumptive Needs	<ul style="list-style-type: none"> <li>• Proceed with outlined work plan.</li> <li>• Discuss what nonconsumptive needs are (and are not) and how to advance the discussion of the integration or relationship between agriculture and</li> </ul>



	nonconsumptive needs.
Conservation	<ul style="list-style-type: none"> <li>• Proceed with outlined work plan.</li> <li>• Discuss how to proceed with requesting basin-specific conservation targets from the BRTs and a discussion of the relationship between price and demand (as usage goes down, price goes up).</li> </ul>
PEPO	<ul style="list-style-type: none"> <li>• Proceed with outlined work plan.</li> </ul>
IBCC Roundtable Representatives	<ul style="list-style-type: none"> <li>• In an effort to increase IBCC-BRT communication and understanding, prepare and provide a summary of your basin roundtable's progress, current issues, efforts, and next steps (specifically related to the basin's vision for moving forward, implementation strategies, suggested next steps, etc.) to share at the June 23<sup>rd</sup> IBCC meeting.</li> </ul>
IBCC/CWCB Staff	<ul style="list-style-type: none"> <li>• Provide and discuss with the New Supply Subcommittee the additional gap information outlined in their work plan as soon as possible (prior to the IBCC meeting on June 23<sup>rd</sup>).</li> <li>• Provide all IBCC roundtable representatives with an outline of suggested focus areas to guide their report out regarding roundtable progress at the June IBCC meeting.</li> </ul>