



COLORADO WATER CONSERVATION BOARD

WATER SUPPLY RESERVE ACCOUNT 2009-2010 GRANT APPLICATION FORM



Basin RT Project Exploration Committee: Flaming Gorge

Name of Water Activity/Project

Approving Basin Roundtable

\$190,000.00

Amount from Statewide Account

\$150,000.00*

Total Amount of Funds Requested

Amount from Basin Account

Arkansas \$10K
Metro \$30K*
S Platte \$10K*

*Note : The Metro RT approved \$150,000 from statewide funds on 7/6/11, and the S. Platte RT approved the statewide request and provided \$10,000 in matching funds on 7/12/11. Other RTs may provide additional matching funds at upcoming meetings, which may reduce the statewide request and/or be used to cover travel expenses for their RT representatives to the group. The final amounts for statewide and RT accounts remain in flux, but the maximum amount requested from statewide funds will be \$150,000.

Application Content

Application Instructions	page 2
Part A – Description of the Applicant	page 3
Part B – Description of the Water Activity	page 6
Part C – Threshold and Evaluation Criteria	page 8
Part D – Required Supporting Material	
Water Rights, Availability, and Sustainability	page 13
Related Studies	page 13
Statement of Work, Detailed Budget, and Project Schedule	page 14
Signature Page	page 19

Attachments

1. Reference Information
2. Insurance Requirements (Projects Over \$100,000)
3. WSRA Standard Contract (Projects Over \$100,000)
4. W-9 Form (Required for All Projects)

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Instructions

To receive funding from the Water Supply Reserve Account (WSRA), a proposed water activity must be approved by the local Basin Roundtable AND the Colorado Water Conservation Board (CWCB). The process for Basin Roundtable consideration/approval is outlined in Attachment 1.

Once approved by the local Basin Roundtable, the applicant should submit this application, a detailed statement of work, detailed project budget, and project schedule to the CWCB staff by the application deadline.

The application deadlines are:

- Basin Account – 60 days prior to the bi-monthly Board meeting
- Statewide Account – 60 days prior to the March and September Board meeting

Board Meeting Dates	Basin Account Deadlines	Statewide Account Deadlines
3/17 - 3/18/2009	1/16/2009	1/16/2009
5/19 - 5/20/2009	3/19/2009	n/a
7/21 - 7/22/2009	5/21/2009	n/a
9/15 - 9/16/2009	7/15/2009	7/15/2009
11/17 - 11/18/2009	9/17/2009	n/a
January 2010	11/15/2010	n/a
March 2010	1/15/2010	1/15/2010
May 2010	3/15/2010	n/a

When completing this application, the applicant should refer to the WSRA Criteria and Guidelines available at: <http://cwcb.state.co.us/IWMD>.

The application, statement of work, budget, and schedule must be submitted in electronic format (Microsoft Word or text-enabled PDF are preferred) and can be emailed or mailed on a disk to:

Mr. Todd Doherty
Colorado Water Conservation Board
Intrastate Water Management and Development Section
WSRA Application
1580 Logan Street, Suite 600
Denver, CO 80203
Todd.Doherty@state.co.us

If you have questions or need additional assistance, please contact Todd Doherty of the IWMD Section at 303-866-3441 x3210 or todd.doherty@state.co.us.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Part A. - Description of the Applicant (Project Sponsor or Owner);

1.	Applicant Name(s):	Pikes Peak Regional Water Authority		
	Mailing address:	P.O. Box 1976, Colorado Springs, CO 80901 Attn: Gary Barber, Manager		
	Taxpayer ID#:	84-1428849	Email address:	barbergl@aol.com
	Phone Numbers: Business:	719-660-0948		
	Home:			
	Fax:	719-329-1444		

2. Person to contact regarding this application if different from above:

Name:	
Position/Title	

3. Eligible entities that may apply for grants from the WSRA include the following. What type of entity is the Applicant?

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Public (Government) – municipalities, enterprises, counties, and State of Colorado agencies. Federal agencies are encouraged to work with local entities and the local entity should be the grant recipient. Federal agencies are eligible, but only if they can make a compelling case for why a local partner cannot be the grant recipient. |
| <input checked="" type="checkbox"/> | Public (Districts) – special, water and sanitation, conservancy, conservation, irrigation, or water activity enterprises. |
| <input type="checkbox"/> | Private Incorporated – mutual ditch companies, homeowners associations, corporations. |
| <input type="checkbox"/> | Private individuals, partnerships, and sole proprietors are eligible for funding from the Basin Accounts but not for funding from the Statewide Account. |
| <input type="checkbox"/> | Non-governmental organizations – broadly defined as any organization that is not part of the government. |

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

4. Provide a brief description of your organization

The Pikes Peak Regional Water Authority, as successor to the El Paso County Water Authority, is organized under an Establishing Contract as a water authority, a body corporate and politic, a separate governmental entity, a political subdivision and a public corporation of the State of Colorado, pursuant to Section 18(2)(a) and 2(b) of Article XIV, Constitution of the State of Colorado, and to § 29-1-204.2, Colorado Revised Statutes approved on or about November 4, 1996. The document is recorded at Reception No. 097075620 of the records of the El Paso County Clerk and Recorder's Office.

The Authority currently has twelve members, including metropolitan districts, water and sanitation districts, towns and cities within El Paso County. The Authority meets the first Wednesday of each month in the Board of County Commissioners Hearing Room, 3rd Floor, El Paso County Administration Building, 27 East Vermijo, Colorado Springs, Colorado. The monthly meetings are open to the public and carried over the internet by the El Paso County Information Technology Department.

5. If the Contracting Entity is different then the Applicant (Project Sponsor or Owner) please describe the Contracting Entity here.

Peak Facilitation is currently a vendor to the CWCB as the facilitator of the InterBasin Compact Committee. The Keystone Center is a non-profit facilitation firm based in Summit County. Peak Facilitation will be the primary contractor on this project, with The Keystone Center providing facilitation and project planning support.

Heather Bergman, Peak Facilitation Group

720-299-8796

heather@peakfacilitation.com

Heather facilitates and mediates complex public policy deliberations on a variety of substantive issues, such as water quality, water quantity, watershed protection and restoration, land use planning, public lands management, and public health. These collaborative negotiations and discussions involve multiple and diverse stakeholders including federal and state agencies, local municipalities, advocacy organizations, ranchers, farmers, and other community residents. Heather's work portfolio focuses on facilitation of high-conflict collaborative processes, and her strength is helping diverse and often opposing participants find common ground and work together to solve problems in a way that meets each entity's interests.

Michael Hughes, Keystone Center

Vice President, Science and Public Policy Division

mhughes@keystone.org

Mike leads Keystone's Science and Public Policy program, managing 23 professional staff. He is a mediator with 18 years of experience in public policy mediation in all three of Keystone's practice areas – environment, energy and health. In recent years, he has mediated long-standing, seemingly intractable conflicts over land use, transportation, air quality, climate change and chronic disease reduction. He has conducted regulatory negotiations, policy dialogues, site-specific mediations and public engagement processes at local, state, regional and national levels.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

6. **Successful applicants will have to execute a contract with the CWCB prior to beginning work on the portion of the project funded by the WSRA grant. In order to expedite the contracting process the CWCB has established a standard contract with provisions the applicant must adhere to. A copy of this standard contract is included in Attachment 3. Please review this contract and check the appropriate box.**

☒ The Applicant will be able to contract with the CWCB using the Standard Contract

☐ The Applicant has reviewed the standard contract and has some questions/issues/concerns. Please be aware that any deviation from the standard contract could result in a significant delay between grant approval and the funds being available.

7. **The Tax Payer Bill of Rights (TABOR) may limit the amount of grant money an entity can receive. Please describe any relevant TABOR issues that may affect the applicant.**

None.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Part B. - Description of the Water Activity

1. Name of the Water Activity/Project: ***Basin RT Project Exploration Committee: Flaming Gorge***

2. What is the purpose of this grant application? (Please check all that apply.)

☐

Environmental compliance and feasibility study

☐

Technical Assistance regarding permitting, feasibility studies, and environmental compliance

☒

Studies or analysis of structural, nonstructural, consumptive, nonconsumptive water needs, projects

Study or Analysis of:

☒

Structural project or activity

☒

Nonstructural project or activity

☒

Consumptive project or activity

☒

Nonconsumptive project or activity

☒

Structural and/ or nonstructural water project or activity

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

- 3. Please provide an overview/summary of the proposed water activity (no more than one page). Include a description of the overall water activity and specifically what the WSRA funding will be used for.**

On June 29, 2011, a meeting was held of a preliminary working group as the final task under the Flaming Gorge Task Force Situation Assessment WSRA grant. (The meeting draft notes are attached to this application as Attachment 5.) The Assessment grant asked independent facilitators to assess the timeliness and merit of a larger stakeholder dialogue on the topic of Flaming Gorge. Since a dialogue was perceived to have value to the majority of the individuals interviewed, the Final Assessment Report summarized the value and potential structure of a stakeholder dialogue or task force and seated an initial working group to shape a path forward. The initial WSRA grant also asked the facilitators to define a functional protocol for a future task force or stakeholder group and charge the preliminary working group with a methodology for funding the group. This WSRA grant application provides a component of that funding for the future process, seeking to involve as many roundtables as care to participate along with Statewide funds and in-kind donations.

The Basin Roundtable Project Exploration Committee is envisioned as a process that could serve as a venue for discussing other potential water supply projects, with the Flaming Gorge discussion serving as a test case or starting point for such discussions. For the Flaming Gorge discussion, the Project Exploration Committee will identify and discuss threshold issues, identify and discuss potential project criteria or components, and engage basin roundtables, stakeholders, and the public to keep the broader community of interest informed. Basin roundtables (RTs) and stakeholder groups will select their own representatives for the following seats:

- 2 members each: Colorado RT, Yampa/White/Green RT, Gunnison RT, Southwest RT, Arkansas RT, Metro RT, and South Platte RT.
- 1 member each: Rio Grande RT and North Platte RT
- 2 members each, one from each side of the Divide if possible: environmental community, recreation community, and agricultural community (The June 29 meeting did not include a discussion about how to select these 6 members. The first task of the 16 RT representatives will be to determine how to proceed in filling these seats.)
- Up to 3 members from the State: Director of CWCB, representative from DNR, and Director of IBCC
- *Note:* Federal and Colorado State regulatory entities, as well as State representatives and stakeholders from Wyoming and Utah, are welcome and encouraged to attend meetings and participate as invited experts and/or guests to provide insights and information, but will not be seated members.

The process will be facilitated and will be based on a “no-hats” approach in which individuals will be encouraged to consider the statewide and broader water community interests in addition to the perspective(s) of the entities or constituencies they represent. Committee members will not be asked to find consensus on whether to build a Flaming Gorge project or which such project to build, but rather to seek agreement on the issues involved in the project, the challenges or barriers to such a project, and potential criteria for maximizing benefits and minimizing negative impacts of such a project if it is built.

The process will include consultation with roundtables, stakeholder groups, the IBCC, and CWCB.

Meetings will be held in different locations throughout the state to share the burden of traveling as equally as possible among Committee members. Meeting agendas and summaries will be made widely available and meetings will be public. If funding is approved, the first meeting will be held in October or early November 2011. The process is anticipated to take about 18 months.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Part C. – Threshold and Evaluation Criteria

1. **Describe how the water activity meets these Threshold Criteria. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines.)**
 - a) **The water activity is consistent with Section 37-75-102 Colorado Revised Statutes.¹**
 - b) **The water activity meets the eligibility requirements of Part 2 of the criteria and guidelines because:**

The original driver for the Task Force Assessment was the Executive Summary of “*A Resource Document: Projects and Methods to Meet the Needs of the Arkansas of the Arkansas Basin*” states:

Much of water supply “Gap” of the Arkansas basin, nearly 20,000 acre-feet, could be addressed in the near term if, and only if, the Rotating Agricultural Fallowing method is coupled with regional cooperation on new infrastructure. However, the future of sustainability for both consumptive and non-consumptive needs in the Arkansas is tied to the future of the Colorado’s entitlement under the Colorado River Compact. Presentations and reports by the Roundtable’s Interbasin Compact Committee Representatives makes clear the interdependence of Colorado River imports, both existing and future, with the longevity of irrigated agriculture within the Arkansas basin.

The Roundtable member’s ranking of identified Statewide Projects might suggests that the Gunnison basin is the most logical starting point for investigation. The Green Mountain pumpback, while having the highest composite score, does not bring new water to the Arkansas basin, but likewise perhaps a Gunnison alternative may not immediately benefit the Metro or South Platte basins. The next ranked project, Flaming Gorge, would seem to be worthy of an inter-basin dialogue by and between the various Roundtables as a continuation of attempting to meet the needs of the Arkansas basin.

Reaching satisfactory conclusions to negotiations about regional cooperation on agricultural fallowing and construction of delivery infrastructure will be challenging but necessary to meet the near term “Gap.” A broader dialogue on the statewide allocation of Colorado River Compact entitlement goes beyond the sole purview of the Arkansas Roundtable and should involved all basins within the state. So, the Roundtable may elect, as it has done in past with difficult topics like the Ag-to-Urban Transfers Committee, **to enlist the aid of the Colorado Water Conservation Board and /or neutral facilitators to bring these important processes to successful completion.** We look forward to the feedback of other Roundtables, the Interbasin Compact Committee and the greater public. Our hope is to both continue and extend our dialogue toward bringing projects and methods that meet the needs of the Arkansas River Basin to fruition. (emphasis added)

¹ 37-75-102. Water rights - protections. (1) It is the policy of the General Assembly that the current system of allocating water within Colorado shall not be superseded, abrogated, or otherwise impaired by this article. Nothing in this article shall be interpreted to repeal or in any manner amend the existing water rights adjudication system. The General Assembly affirms the state constitution's recognition of water rights as a private usufructuary property right, and this article is not intended to restrict the ability of the holder of a water right to use or to dispose of that water right in any manner permitted under Colorado law. (2) The General Assembly affirms the protections for contractual and property rights recognized by the contract and takings protections under the state constitution and related statutes. This article shall not be implemented in any way that would diminish, impair, or cause injury to any property or contractual right created by intergovernmental agreements, contracts, stipulations among parties to water cases, terms and conditions in water decrees, or any other similar document related to the allocation or use of water. This article shall not be construed to supersede, abrogate, or cause injury to vested water rights or decreed conditional water rights. The General Assembly affirms that this article does not impair, limit, or otherwise affect the rights of persons or entities to enter into agreements, contracts, or memoranda of understanding with other persons or entities relating to the appropriation, movement, or use of water under other provisions of law.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Having completed the Assessment, the discussion by and among the initial working group was the determination of whether and how to proceed with an actual stakeholder dialogue or task force. After a lengthy but fruitful dialogue, the group reached consensus on three elements for a successful stakeholder dialogue: 1) a “bottom-up” process driven by participation of roundtables and roundtable members; 2) liaison and interaction with the New Supply Subcommittee of the IBCC; and 3) participation by representatives of the environmental, recreational, and agricultural communities, whether they are active roundtable members or not. As a general statement, the group perceived a dialogue on a project was a productive next step in keeping the roundtable process moving forward to address the non-consumptive and consumptive needs of the State of Colorado.

As mentioned above, the Project Exploration Committee will identify and discuss threshold issues, identify and discuss potential project criteria or components, and engage basin roundtables, stakeholders, and the public to keep the broader community of interest informed.

- c) **The water activity underwent an evaluation and approval process and was approved by the Basin Roundtable (BRT) and the application includes a description of the results of the BRTs evaluation and approval of the activity. At a minimum, the description must include the level of agreement reached by the roundtable, including any minority opinion(s) if there was not general agreement for the activity. The description must also include reasons why general agreement was not reached (if it was not), including who opposed the activity and why they opposed it. Note- If this information is included in the letter from the roundtable chair simply reference that letter.**

Letter(s) to be attached

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

- d) **The water activity meets the provisions of Section 37-75-104(2), Colorado Revised Statutes.² Specifically describe how the water activity either furthers the Roundtable’s basin-wide water needs assessment or meets a consumptive or non-consumptive water supply need identified in the Roundtable’s working needs assessment.**

Non-consumptive water needs in the Arkansas Basin are dependent on imports from Colorado River Basin. In ranking the Methods available to meet the needs, the Voluntary Flow program was ranked highest. This application to complete an Assessment supports that method. The Assessment also directly ties to meeting the consumptive use demand in the basin, currently estimate at more than 20,000 acre-feet. The See “A Resource Document: Projects and Methods to Meet the Needs of the Arkansas of the Arkansas Basin, November, 2009” for details.

The most recent CDM Need Report for the Arkansas Basin indicates a consumptive water gap in 2050 now lower than 36,000 acre-feet and possibly as high as 100,000 af. The outcome of any major import project, like Flaming Gorge, has a direct impact on the Arkansas basin’s ability to meet is consumptive supply gap. The municipal supply gap in the S. Platte is much larger than the Arkansas.

Methods Ranked by Composite Score				
Summary of Methods Scores				
	Viable	Bearable	Equitable	Composite
Voluntary Flow Agrmt.	4.62	4.54	4.31	13.46
Muni conservation	4.44	4.11	4.33	12.89
Phreatophyte rem.	4.10	4.40	4.10	12.60
Rotating Ag Fallow	4.21	4.14	3.86	12.21
Ind. Efficiency	4.00	4.00	3.78	11.78
Trans-cont. diversion	3.88	3.44	3.67	10.88
Visioning Task Force	3.31	3.85	3.62	10.77
Undrgrnd Water Stor.	3.31	3.69	3.46	10.46
Deep Aquifer Stor.	3.21	3.64	3.43	10.29
In-Stream Trust	3.64	3.36	3.21	10.21
Change:Not use it or lose it	2.22	3.00	2.78	8.00

² 37-75-104 (2)(c). Using data and information from the Statewide Water Supply Initiative and other appropriate sources and in cooperation with the on-going Statewide Water Supply Initiative, develop a basin-wide consumptive and nonconsumptive water supply needs assessment, conduct an analysis of available unappropriated waters within the basin, and propose projects or methods, both structural and nonstructural, for meeting those needs and utilizing those unappropriated waters where appropriate. Basin Roundtables shall actively seek the input and advice of affected local governments, water providers, and other interested stakeholders and persons in establishing its needs assessment, and shall propose projects or methods for meeting those needs. Recommendations from this assessment shall be forwarded to the Interbasin Compact Committee and other basin roundtables for analysis and consideration after the General Assembly has approved the Interbasin Compact Charter.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

- e) **Matching Requirement:** For requests from the Statewide Fund, the applicants is required to demonstrate a 20 percent (or greater) match of the request from the Statewide Account. Sources of matching funds include but are not limited to Basin Funds, in-kind services, funding from other sources, and/or direct cash match. Past expenditures directly related to the project may be considered as matching funds if the expenditures occurred within 9 months of the date the application was submitted to the CWCB. Please describe the source(s) of matching funds. (NOTE: These matching funds should also be reflected in your Detailed Budget in Part D of this application)

The Keystone Center is providing a reduced hourly rate for Mike Hughes, generating an in-kind match of approximately **\$5,200**. Peak Facilitation and The Keystone Center are contributing travel time as an in-kind contribution of approximately **\$19,500** and **\$22,000** respectively. PPRWA is contributing the time for contract administration and billing, approximately \$2,500, along with \$5,000 in cash, for a total of **\$7,500**. Basin funds are anticipated to contribute at least **\$40,000** of matching dollars. A contingency amount of **\$5,000** will also be provided by the El Paso County Water Authority as needed.

Cash Match:	\$ 40,000
In-Kind Match:	\$ 54,200
Contingency:	\$ 5,000

Total Match: **\$ 99,200**

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

- 2. For Applications that include a request for funds from the Statewide Account, describe how the water activity meets the Evaluation Criteria. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines.)**

Tier 1: Promoting Collaboration/Cooperation

As witnessed by the attendees and their dialogue during the initial working group discussion, this grant will significantly promote collaboration and cooperation between roundtables, IBCC, CWCB and stakeholder groups. Engaging all the roundtables and other stakeholders is a key goal and outcome of this process.

Tier 2: Facilitating Water Activity Implementation

Defining threshold issues and project criteria from the perspective of a consensus-driven group will further the potential for a project to be implemented if appropriate and implemented in such a way as to minimize impacts and maximize benefits.

Tier 3: The Water Activity Addresses Issues of Statewide Value and Maximizes Benefits

By exploring both threshold issues and potential project criteria for maximizing benefits and minimizing impacts across the state and among multiple stakeholder interests, this project meets several of the statewide criteria, including: g) help sustain agriculture, and open space, environmental and recreational needs; h) assist in the administration of compact-entitled waters...and promote maximum utilization of state waters, and; j) provide a high level of benefit to Colorado in relationship to the amount of funds requested.

This grant offers an opportunity for multiple roundtables to meet and discuss the elements of an actual supply project. It is structured as a facilitate dialogue in which each participant is asked to “put on a statewide hat” as a protocol to make the conversation successful. Feedback to and from roundtables, the IBCC, and CWCB will provide a substantive foundation for a genuine conversation about the future of water in Colorado.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Part D. – Required Supporting Material

1. Water Rights, Availability, and Sustainability

This information is needed to assess the viability of the water project or activity that would potentially impact and/or benefit the Colorado River, The Yampa-White rivers, the Gunnison River, the San Juan and Dolores Rivers, the South Platte River, the Rio Grande River, and the Arkansas River basins.

2. Please provide a brief narrative of any related or relevant previous studies.

The Flaming Gorge Task Force Assessment Report is attached hereto (Attachment 6); this project served as the basis for this new effort to create the Basin Roundtable Project Exploration Committee.

Additionally, this type of facilitated, collaborative approach to challenging discussions has proven successful in past efforts in the Arkansas basin as well:

- The Fountain Creek Vision Task Force successfully found agreement on their Strategic Plan for the Fountain Creek watershed.
- The Ag-to-Urban Transfers Guidelines document also represents a successful stakeholder dialogue.

3. Statement of Work, Detailed Budget, and Project Schedule

The statement of work will form the basis for the contract between the Applicant and the State of Colorado. In short, the Applicant is agreeing to undertake the work for the compensation outlined in the statement of work and budget, and in return, the State of Colorado is receiving the deliverables/products specified. Please note that costs incurred prior to execution of a contract or purchase order are not subject to reimbursement.

Please provide a detailed statement of work using the following template. Additional sections or modifications may be included as necessary. Please define all acronyms. If a grant is awarded an independent statement of work document will be required with correct page numbers.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Statement of Work

WATER ACTIVITY NAME - FLAMING GORGE TASK FORCE

GRANT RECIPIENT – Pikes Peak Regional Water Authority

FUNDING SOURCE – Proposed Cost approximately \$190,000.00 plus \$5,000 Contingency

Sources: \$ 5,000 from the El Paso County Water Authority (Contingency)
 \$ 54,200 from In-Kind Contributions
 \$ 10,000 from the Arkansas Basin Roundtable basin account
 \$ 30,000 from the Metro Basin Roundtable basin account
 \$150,000 from the Statewide Account

If the South Platte Basin would like to participate in funding the Task Force, the basin fund accounts could be adjusted.

SCOPE OF WORK

Task 1: Convening the Committee

Meeting Preparation and Follow-Up

- Work with roundtable chairs and stakeholder community to ensure that the 20 members of the Committee are selected in a timely fashion (Committee structure: 2 members each of 4 West Slope Roundtables, 2 members Arkansas Roundtable, 2 members Metro Roundtable, 2 members South Platte Roundtable, 1 member Rio Grande Roundtable, 1 member North Platte Roundtable, 2 members Environmental Community, 2 members Recreation Community, Director CWCB, Representative from DNR, and Director IBCC if able.)
- Convene first meeting of the Committee and develop operational protocols, including the concept of “no hats at the table”
- Establish meeting schedule for Committee
- Establish an email distribution list for the Committee and for interested parties

Meeting Estimate and Outcomes

- Meetings estimated: 1
- Deliverables: Committee protocols, membership list, and meeting schedule, all distributed to Committee and interested parties distribution lists

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Task 2: Interest Identification and Discussion of Threshold Issues

Meeting Preparation/Follow-Up

- Prepare meeting agendas and ensure distribution of agendas
- Ensure that participants receive all necessary materials electronically prior to meetings and provide additional copies at meetings
- Confer as necessary with participants prior to meetings to ensure a focused and productive discussion
- Prepare draft meeting summaries for group review; finalize meeting summaries and distribute to email distribution lists
- Prepare draft agreement documents for group review; finalize agreement documents and distribute to email distribution lists

Substantive Discussion

- Facilitate meetings to identify list of interests and values at stake in a discussion of Flaming Gorge and find agreement on list of interests and values
- Facilitate meetings to identify potential threshold issues or questions and find agreement on list of threshold issues or questions
- Work with participants to identify and schedule outside experts or thought-leaders regarding threshold issues
- Facilitate presentations, question/answer sessions, and discussions with experts and thought-leaders
- Facilitate meetings to find agreement on a) answers to threshold questions, and/or b) list of perspectives on threshold issues

Meeting Estimate and Outcomes

- Meetings estimated: 9
- Deliverables: agreed list of interests/values at stake in discussion of Flaming Gorge; agreed list of answers to threshold questions and/or perspectives on threshold issues; meeting summaries; all distributed to email list for the Committee and for interested parties

Task 3: Identification of Potential Project Criteria or Components

Meeting Preparation/Follow-Up

- Prepare meeting agendas and ensure distribution of agendas
- Ensure that participants receive all necessary materials electronically prior to meetings and provide additional copies at meetings
- Confer as necessary with participants prior to meetings to ensure a focused and productive discussion

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

- Prepare draft meeting summaries for group review; finalize meeting summaries and distribute to email distribution lists
- Prepare draft agreement documents for group review; finalize agreement documents and distribute to email distribution lists

Substantive Discussion

- Facilitate meetings to identify list of potential criteria or components of a Flaming Gorge project, if someone were to build it
- Work with participants to identify and schedule outside experts or thought-leaders regarding potential benefits, impacts, and mitigation methodologies
- Facilitate presentations, question/answer sessions, and discussions with experts and thought-leaders
- Facilitate meetings to find agreement on potential criteria for components for a Flaming Gorge project if someone were to build it
- Facilitate subcommittee discussions if/as needed and prepare summaries of subcommittee discussions

Meeting Estimate and Outcomes

- Meetings estimated: 16 (including possible subcommittee meetings)
- Deliverables: agreed list of potential criteria or components of a Flaming Gorge project, if someone were to build it; meeting and subcommittee meeting summaries

Task 4: Roundtable, Stakeholder, and Public Engagement

Meeting Preparation/Follow-Up

- Work with participants to identify roundtable, stakeholder, and public engagement needs in Tasks 1 & 2
- Plan meetings/agendas accordingly
- Prepare draft meeting summaries for review; finalize meeting summaries and distribute to email distribution lists

Meeting Estimate and Outcomes

- Meetings estimated: 9 roundtable, 2 public, 2 stakeholder
- Deliverables: summaries of ideas, perspectives, and considerations heard

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

BUDGET

Basin Roundtable Project Exploration Committee: Flaming Gorge Cost Estimate						
	Task 1	Task 2	Task 3	Task 4	Total	Total
	Convening	Interests/Threshold	Criteria	Engagement	Hours	Cost
Staff Costs						
Bergman Hours	20	144	176	80	420	\$ 54,600
Gregg Hours	20	180	208	110	518	\$ 33,670
Hughes Hours	20	60	60	20	160	\$ 30,000
Total Staff Hours	60	384	444	210	1098	\$ 118,270
Direct Costs						
Materials	\$ 80	\$ 720	\$ 640	\$ 540		\$ 1,980
Food/Beverage	\$ 150	\$ 1,350	\$ 1,200	\$ 600		\$ 3,300
Facility Rental	\$ 200	\$ 1,800	\$ 1,600	\$ 800		\$ 4,400
Final Report Production	\$ -	\$ -	\$ -	\$ -		\$ 5,000
Total Direct Cost	\$ 430	\$ 3,870	\$ 3,440	\$ 1,940		\$ 14,680
Travel Costs						
Travel Costs (No Time, Direct Only)	\$ 1,050	\$ 6,300	\$ 6,300	\$ 7,000		\$ 20,650
Travel Costs (Non-RT Participants)	\$ 1,400	\$ 12,600	\$ 11,200	\$ 11,200		\$ 36,400
Total Travel Costs	\$ 2,450	\$ 18,900	\$ 17,500	\$ 18,200		\$ 57,050
TOTAL BASE COSTS						\$ 190,000
Travel Costs (per RT Participant) (see note, below)						
						\$ 5,000
Note: RT member travel costs can be covered through matching funds provided by each RT. RTs will have the same number of seats whether they provide matching funds or not, but travel costs are only covered if matching funds are provided.						

SCHEDULE

Provide a project schedule including key milestones for each task and the completion dates or time period from the Notice to Proceed (NTP). This dating method allows flexibility in the event of potential delays from the procurement process. Sample schedules are provided below. Please note that these schedules are examples and will need to be adapted to fit each individual application.

Estimated Schedule to Complete Assessment Summary and Convening of Task Force

Task	Start Date	Finish Date
1	Upon NTP	NTP + 60 days
2	2 months from NTP	9 months
3	Task 2 completion	8 months
4	Task 3 completion	1-2 month
5		
6		
7		

NTP = Notice to Proceed

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

PAYMENT

Payment will be made based on actual expenditures and invoicing by the applicant. Invoices from any other entity (i.e. subcontractors) cannot be processed by the State. The request for payment must include a description of the work accomplished by major task, and estimate of the percent completion for individual tasks and the entire water activity in relation to the percentage of budget spent, identification of any major issues and proposed or implemented corrective actions. The last 5 percent of the entire water activity budget will be withheld until final project/water activity documentation is completed. All products, data and information developed as a result of this grant must be provided to the CWCB in hard copy and electronic format as part of the project documentation. This information will in turn be made widely available to Basin Roundtables and the general public and help promote the development of a common technical platform.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

The above statements are true to the best of my knowledge:

Signature of Applicant: 

Print Applicant's Name: Gary Barber

Project Title: Basin RT Project Exploration Committee: Flaming Gorge

Return this application to:

Mr. Todd Doherty
Intrastate Water Management and Development Section
COLORADO WATER CONSERVATION BOARD
1580 Logan Street, Suite 600
Denver, CO 80203

To submit applications by Email, send to: todd.doherty@state.co.us

Attachment 1
Reference Information

The following information is available via the internet. The reference information provides additional detail and background information.

Colorado Water Conservation Board (<http://cwcb.state.co.us/>)

Loan and Grant policies and information are available at – <http://cwcb.state.co.us/Finance/>

Interbasin Compact Committee and Basin Roundtables (<http://ibcc.state.co.us/>)

Interbasin Compact Committee By-laws and Charter (under Helpful Links section) –
<http://ibcc.state.co.us/Basins/IBCC/>

Legislation

House Bill 05-1177 - Also known as the Water for the 21st Century Act –

<http://cwcbweblink.state.co.us/DocView.aspx?id=105662&searchhandle=28318>

House Bill 06-1400 – Adopted the Interbasin Compact Committee Charter –

<http://cwcbweblink.state.co.us/DocView.aspx?id=21291&searchhandle=12911>

Senate Bill 06-179 – Created the Water Supply Reserve Account –

<http://cwcbweblink.state.co.us/DocView.aspx?id=21379&searchhandle=12911>

Statewide Water Supply Initiative

General Information – <http://cwcb.state.co.us/IWMD/>

Phase 1 Report – <http://cwcb.state.co.us/IWMD/SWSITechnicalResources/SWSIPhaseIReport/>

Attachment 2
Insurance Requirements

NOTE: The following insurance requirements taken from the standard contract apply to WSRA projects that exceed \$100,000 in accordance with the policies of the State Controller's Office. Proof of insurance as stated below is necessary prior to the execution of a contract.

13. INSURANCE

Grantee and its Sub-grantees shall obtain and maintain insurance as specified in this section at all times during the term of this Grant: All policies evidencing the insurance coverage required hereunder shall be issued by insurance companies satisfactory to Grantee and the State.

A. Grantee

i. Public Entities

If Grantee is a "public entity" within the meaning of the Colorado Governmental Immunity Act, CRS §24-10-101, et seq., as amended (the "GIA"), then Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the GIA. Grantee shall show proof of such insurance satisfactory to the State, if requested by the State. Grantee shall require each Grant with Sub-grantees that are public entities, providing Goods or Services hereunder, to include the insurance requirements necessary to meet Sub-grantee's liabilities under the GIA.

ii. Non-Public Entities

If Grantee is not a "public entity" within the meaning of the GIA, Grantee shall obtain and maintain during the term of this Grant insurance coverage and policies meeting the same requirements set forth in §13(B) with respect to sub-Grantees that are not "public entities".

B. Sub-Grantees

Grantee shall require each Grant with Sub-grantees, other than those that are public entities, providing Goods or Services in connection with this Grant, to include insurance requirements substantially similar to the following:

i. Worker's Compensation

Worker's Compensation Insurance as required by State statute, and Employer's Liability Insurance covering all of Grantee and Sub-grantee employees acting within the course and scope of their employment.

ii. General Liability

Commercial General Liability Insurance written on ISO occurrence form CG 00 01 10/93 or equivalent, covering premises operations, fire damage, independent Grantees, products and completed operations, blanket Grantual liability, personal injury, and advertising liability with minimum limits as follows: **(a)** \$1,000,000 each occurrence; **(b)** \$1,000,000 general aggregate; **(c)** \$1,000,000 products and completed operations aggregate; and **(d)** \$50,000 any one fire. If any aggregate limit is reduced below \$1,000,000 because of claims made or paid, Sub-grantee shall immediately obtain additional insurance to restore the full aggregate limit and furnish to Grantee a certificate or other document satisfactory to Grantee showing compliance with this provision.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

iii. Automobile Liability

Automobile Liability Insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit.

iv. Additional Insured

Grantee and the State shall be named as additional insured on the Commercial General Liability and Automobile Liability Insurance policies (leases and construction Grants require additional insured coverage for completed operations on endorsements CG 2010 11/85, CG 2037, or equivalent).

v. Primacy of Coverage

Coverage required of Grantee and Sub-grantees shall be primary over any insurance or self-insurance program carried by Grantee or the State.

vi. Cancellation

The above insurance policies shall include provisions preventing cancellation or non-renewal without at least 45 days prior notice to the Grantee and the State by certified mail.

vii. Subrogation Waiver

All insurance policies in any way related to this Grant and secured and maintained by Grantee or its Sub-grantees as required herein shall include clauses stating that each carrier shall waive all rights of recovery, under subrogation or otherwise, against Grantee or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

C. Certificates

Grantee and all Sub-grantees shall provide certificates showing insurance coverage required hereunder to the State within seven business days of the Effective Date of this Grant. No later than 15 days prior to the expiration date of any such coverage, Grantee and each Sub-grantee shall deliver to the State or Grantee certificates of insurance evidencing renewals thereof. In addition, upon request by the State at any other time during the term of this Grant or any sub-grant, Grantee and each Sub-grantee shall, within 10 days of such request, supply to the State evidence satisfactory to the State of compliance with the provisions of this §13.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Attachment 3

Water Supply Reserve Account Standard Contract

NOTE: The following contract is required for WSRA projects that exceed \$100,000. (Projects under this amount will normally be funded through a purchase order process.) Applicants are encouraged to review the standard contract to understand the terms and conditions required by the State in the event a WSRA grant is awarded. Significant changes to the standard contract require approval of the State Controller's Office and often prolong the contracting process.

It should also be noted that grant funds to be used for the purchase of real property (e.g. water rights, land, conservation easements, etc.) will require additional review and approval. In such cases applicants should expect the grant contracting process to take approximately 3 to 6 months from the date of CWCB approval.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Attachment 4

W-9 Form

NOTE: A completed W-9 form is required for all WSRA projects prior execution of a contract or purchase order. Please submit this form with the completed application.

Attachment 6
Flaming Gorge Task Force Situation Assessment Report

FLAMING GORGE TASK FORCE SITUATION ASSESSMENT REPORT

May 9, 2011

Prepared by:

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Funded by:
The Arkansas Basin Roundtable and
The Metro Roundtable
with funds from
Water Supply Reserve Account Grants

Flaming Gorge Situation Assessment Report – May 2011

I. ASSESSMENT BACKGROUND

A. Purpose and Process

This document is the report of the Flaming Gorge Task Force Situation Assessment, a neutral assessment of the appropriateness and viability of a stakeholder collaborative or task force to discuss a possible water supply project that would bring water from the Flaming Gorge Reservoir to Colorado's Front Range. The goal of the assessment process was to consult with stakeholders throughout Colorado to gather their perspectives about whether a stakeholder dialogue is warranted and if so, what that dialogue might look like to maximize the likelihood of success. Stakeholder consultations occurred in two ways. First, the facilitators contracted to do the assessment¹ conducted telephone interviews with stakeholders throughout Colorado, including water providers, environmental advocates, representatives from municipalities and counties, members of the Colorado Water Conservation Board, members of the Interbasin Compact Committee, members of the nine basin roundtables, two individuals proposing specific Flaming Gorge projects, staff from State and federal agencies, and other stakeholders from both the Front Range and the West Slope. A small number of stakeholders in Wyoming and Utah also participated in the assessment. Second, in addition to the telephone interviews, stakeholder feedback was gathered through an online survey that was distributed via email to all members of the nine basin roundtables.

A list of respondents is available in Appendix A, and a summary of survey respondents is available in Appendix B. The interview/survey questions are available in Appendix C.

B. Leadership

The assessment process was guided by the leadership of a 5-person Executive Committee, which helped identify respondents and develop the interview/survey protocol. The Executive Committee included one representative each from the Metro, Arkansas Basin, Colorado, and Yampa/White/Green Roundtables, and one outside expert on Colorado water policy from Colorado State University. The names and affiliations of the Executive Committee members are available in Appendix D. The Executive Committee reviewed a draft of this report and provided feedback about how best to communicate recommendations and what process options would best address the issues and concerns raised during the assessment, but the final recommendations and the content of this report reflect the knowledge and best professional judgment of the facilitators doing the assessment, did not result from pressure or other influence from any member(s) of the Executive Committee, and are not necessarily the opinions of the Executive Committee members.

C. Funding

The assessment process was funded by Water Supply Reserve Account grants from the Arkansas Basin Roundtable and the Metro Roundtable, with matching funds provided by the El Paso County Water Authority. A letter of support for the process was provided by the South Platte

¹ The assessment was conducted by Mike Hughes of The Keystone Center and Heather Bergman of Peak Facilitation Group.

Flaming Gorge Situation Assessment Report – May 2011

Roundtable. The grant application, which includes the assessment budget and contractor scope of work, is available in Appendix E.

II. WHETHER TO HAVE A DIALOGUE

A. Benefits and Risks of a Dialogue

Assessment participants² were nearly unanimous in saying that there ought to be a stakeholder dialogue about a Flaming Gorge project. The most common reasons for supporting a dialogue included:

- It never hurts to talk about things and gain understanding of one another's positions.
- A diverse group of people can help think through the project and find ways to increase and distribute benefits and minimize and mitigate any negative impacts.
- A new water supply project is needed to meet Front Range needs. All the stakeholders in the state need to work together to find a way to make that happen in a way that minimizes impacts around the state.
- The idea of a Flaming Gorge project is not going to go away just because stakeholders do not talk about it.

Although the majority of assessment participants unequivocally supported the idea of a dialogue (only one stakeholder opposed the concept of a dialogue altogether and one stated that a stakeholder dialogue is premature until the Flaming Gorge project is permitted), several also indicated that the dialogue itself could potentially cause some harm. Among the potential risks identified were:

- A dialogue could suggest or build support for a project some stakeholders oppose.
- If poorly framed and/or poorly facilitated, a dialogue could lead to further entrenchment of positions and a deterioration of relationships between stakeholders and stakeholder groups.
- If it did not result in a meaningful discussion or agreement, a dialogue could waste the time of stakeholders and the financial resources of the funding entity.
- A dialogue could unnecessarily complicate the project proponents' efforts to put their proposals in place and interfere with the formal review processes already underway to evaluate the proposals.

Several participants stated that they only supported a dialogue if certain conditions were met, such as a clearly stated goal and outcome of the process, professional facilitation by a skilled facilitator, and representation of the broader stakeholder group around the state. Other respondents name similar factors as critical for ensuring a productive dialogue that maximizes the possibility of success and minimizes the risks posed by the process.

² The terms "assessment participants" and "respondents" are used interchangeably throughout this document to refer to both interviewees and survey respondents.

HOW TO HAVE A DIALOGUE

A. Convener of a Dialogue

Several respondents indicated that the individual or entity that convenes or initiates the dialogue is important to their decision to participate and to the success of the dialogue itself. Respondents identified several options for conveners of a dialogue, which are summarized below along with some respective advantages and disadvantages.

Project Supporters or Potential Beneficiaries

A few respondents indicated that presumed or explicit supporters and/or beneficiaries of a Flaming Gorge water supply project might be interested in convening a stakeholder dialogue. However, most individuals who addressed the issue of who should convene a dialogue suggested that this would not be appropriate, as participants might be inclined to presume a bias in the dialogue or pressure to support a project. Some individuals specifically stated that if a known project supporter or beneficiary were to convene the dialogue, neither they nor others from their stakeholder group would be likely to participate.

The Colorado Water Conservation Board (CWCB)

Several respondents indicated that whether to build a new, large trans-basin diversion, which project to build, and how to design it and mitigate its impacts is a matter of statewide interest and importance and should therefore fall within the purview of the Colorado Water Conservation Board (CWCB). A few respondents even mentioned that the Board's statutory responsibilities include securing the greatest utilization of the state's water and responding to plans and activities that might affect the use or development of Colorado's water resources.³ Several respondents stated that CWCB should convene a Flaming Gorge dialogue and invite stakeholders to participate. Additionally, some felt that a new trans-basin diversion would likely be a very expensive project and would need to be a "State water project," in which case CWCB would need to be integrally involved in project discussions. Supporters of CWCB as convener did not necessarily believe that this approach would mean that the dialogue would occur as part of regular CWCB meeting (although some did suggest this). Rather, several respondents indicated that the Board should have a role in designing the process, ensuring that key questions of statewide concern were addressed, and encouraging stakeholders to participate. Facilitation of a process convened by CWCB could be done by a member or members of the Board, by CWCB staff, or by an outside party.

Several respondents, including some members of the Board, indicated that convening or facilitating a dialogue on a possible Flaming Gorge project would not be an appropriate role for CWCB to play. The primary reason provided was that the Board (and the State more broadly) should not be a position of supporting, or even appearing to support, a specific project. The Board should wait to see what report or recommendations emerge from a dialogue and then respond to those instead. Another reason provided was that Board meetings are already extremely full and adding another item of the magnitude of a Flaming Gorge dialogue to the Board's and staff's workloads might be untenable.

³ Section 37-60-106, C.R.S. (2010)

Flaming Gorge Situation Assessment Report – May 2011

The Interbasin Compact Committee (IBCC)

Several respondents stated that the Interbasin Compact Committee (IBCC) should be the venue for a discussion of a possible Flaming Gorge water supply project. One reason provided was that the IBCC is viewed by many as a geographically diverse group of stakeholders with diverse substantive interests. Another reason offered was that Flaming Gorge would require some agreements between basins in Colorado, which is what the IBCC was established to do. A third reason provided was that project-specific discussions on one or more new supply project options would be the logical next step from the new supply development components of the IBCC framework that was delivered to then-Governor Ritter and Governor Hickenlooper in December 2010. The IBCC could initiate a dialogue on Flaming Gorge among its members or in a subcommittee of its members, or it could convene a separate but related process that would involve some IBCC members as well as other stakeholders.

Several assessment participants, including some members of the IBCC, indicated that the IBCC would not be the right convener or venue for a dialogue on Flaming Gorge. Some individuals felt that the IBCC is not sufficiently diverse and/or that it lacks sufficient representation of key stakeholder groups. Others stated that the IBCC should remain focused at the higher, conceptual level and not get into the details of a specific project. Others stated that the IBCC has already moved beyond its statutory authority and should not move any farther beyond the authority expressly given to it in HB1177.

A Third-Party Convener

A small number of respondents suggested that the convener of a dialogue should be a third-party entity. No specifics were provided about what kind of entity that might be, although options that have been used in other instances include State or federal legislators and engineering, facilitation, or mediation firms. Several respondents did indicate that unless a known entity with substantial weight or authority in the Colorado water community was the convening body, some stakeholders would not be willing to engage in a dialogue as challenging and time-consuming as a dialogue on Flaming Gorge might be.

B. Funding of a Dialogue

Who convenes a dialogue relates to some degree to who funds a dialogue. The interview protocol did not include an explicit question about who should fund a dialogue, but some respondents offered some preferences on this issue. Several respondents presumed that a dialogue on Flaming Gorge would need to be funded directly by CWCB or through grants from the Water Supply Reserve Accounts (WSRA), either because they believed that these were the primary sources of funding available for a collaborative endeavor of this kind or because they believe that State funding would be the only funding that could be perceived as sufficiently neutral to give participants comfort that the outcome of the dialogue would not be driven by the funding source. A few respondents stated that no CWCB funds of any kind should be used to support a Flaming Gorge dialogue, because funding support for the dialogue could be perceived as policy support for a Flaming Gorge project, and they believe that CWCB should remain neutral about specific projects. A few respondents also stated that funding from project proponents would likely be a non-starter for several individual stakeholders and groups due to a perception that funders could inject bias into the process or be perceived to be doing so.

Flaming Gorge Situation Assessment Report – May 2011

C. Representation in a Dialogue

Most respondents indicated that balanced and sufficient representation of stakeholder interests would be critical to their participation in a Flaming Gorge dialogue and to the success of a dialogue. Many stakeholders expressed concern that the dialogue group not be allowed to become too large, which they felt would make the group unwieldy and the discussion unproductive. However, respondents diverged in their perceptions of how many stakeholders is enough or too many, their definitions of “sufficient” representation, and their lists of “key” stakeholders. Below is a summary of the specific suggestions provided.

Suggestions for Group Size

- 6 or 8
- No more than 10 or 12
- 25
- No more than 30

Suggestions for Sufficient Representation

- 1 or 2 people from each stakeholder group
- Environmental community represented equally with water providers
- West Slope represented equally with Front Range

Key Stakeholders Identified

- Project proponents
- Project beneficiaries
- Affected basins
- Representation from basin roundtables around the state
- Environmental community
- Recreational community (including boating and fishing)
- Ranching/farming community
- Basins not directly affected (for statewide perspective)
- State legislators
- State of Colorado
 - Colorado Water Conservation Board (Board members and/or staff)
 - Department of Natural Resources
 - Division of Water Resources
 - Division of Wildlife
 - Attorney General’s Office
 - Department of Public Health and Environment
- Affected stakeholders in Wyoming (including municipalities and counties, environmental concerns, recreational concerns)
- State of Wyoming (Joint Powers Authority, Attorney General)
- Affected stakeholders in Utah (including municipalities and counties, environmental concerns, recreational concerns)
- State of Utah

Flaming Gorge Situation Assessment Report – May 2011

- Federal agencies
 - Bureau of Reclamation
 - Army Corps of Engineers
 - Fish and Wildlife Service
 - Bureau of Land Management

Role of Colorado State Agencies

Most respondents stated that State agencies should be a part of a dialogue process, including some or all of those listed above. Some felt that State agencies should be “at the table,” equal members of the stakeholder group. These individuals indicated that State agencies have important knowledge and perspectives that could be vital to an informed and thoughtful discussion about what is legal, potential impacts, ways of mitigating impacts that might be acceptable to regulatory agencies, etc. Others indicated that most State agencies should be available in the room to answer questions and provide information, but should not be at the table, either to limit the size of the table or to protect those agencies’ regulatory authority. However, individuals holding this view generally thought that CWCB staff or Board members should be included in the stakeholder group, due to their unique knowledge about the statewide water need, projects and efforts to address the need, and the details and complexities of Colorado River Compact compliance issues.

Role of Federal Agencies

While some respondents indicated that federal agencies should be at the table as equal members of the stakeholder group, most stated that representatives of federal agencies should be available for questions and to provide information, but should not be at the table with other stakeholders. For some respondents, the appropriate role of State and federal agencies would depend on the nature of the process. This is described in greater detail below, under “Process for a Dialogue.”

Role of Other States

Several respondents stated that stakeholders in Wyoming and Utah should be included in the dialogue as equal members, because these states would be affected by a Flaming Gorge water supply project. Opinions varied on whether these interests could/should be represented by State entities or whether specific interest groups in each state should have seats at the table. Several respondents stated that stakeholder groups and State entities from Wyoming and Utah should be available for questions and to provide information, but they should not be at the table. Reasons given include the view that this is “a Colorado discussion among Colorado stakeholders” and concerns over the size of the stakeholder group.

For some respondents, the appropriate role of State entities and stakeholders from Wyoming and Utah would depend on the nature of the process. This is described in greater detail below, under “Process for a Dialogue.”

Flaming Gorge Situation Assessment Report – May 2011

Role of Project Proponents

Several respondents stated that both project proponents should be included in the stakeholder dialogue, either as participants at the table or as advisors to the process with unique content knowledge. A few raised some concern about whether having the proponents together in the room would be a barrier to a productive discussion. Some also stated that it would be challenging to have an informed discussion without the project proponents either at the table or in the room as informational resources.

D. Issues for a Dialogue

Many respondents indicated that a stakeholder dialogue on Flaming Gorge should address “all issues” related to Flaming Gorge and did not specify particular topics that are appropriate or critical to a dialogue. However, several respondents specified one or more topics that should be included in a stakeholder dialogue. These topics are listed below, in no particular order:

- Impacts on compliance with the Colorado River Compact
- Impacts on curtailment under the Colorado River Compact
- Legal issues related to importing water to Colorado from Wyoming
- Cost and economic feasibility of the project
- Who would fund the project
- How much the project would cost
- Who would build the project
- Who would operate the project
- Who would own the water rights
- Seniority/priority date of water rights in the project
- Environmental impacts of a project and, if possible, ways to mitigate them
- Environmental benefits of a project
- Socioeconomic impacts of a project (particularly on the West Slope) and, if possible, ways to mitigate them
- Socioeconomic benefits of a project
- Ways to develop multiple benefits for a variety of interests

E. Framing, Goal, and Endpoint of a Dialogue

Respondents indicated that there are basically three potential goals of a stakeholder process. These are outlined below.

Identification of Issues/Concerns

The first potential approach is to focus exclusively on identifying issues and concerns among stakeholders, ensuring that stakeholders have an opportunity to share their concerns or questions about a Flaming Gorge project. This approach would likely be similar in function to a NEPA⁴ scoping process, but with more active engagement of stakeholders in a dialogue about issues and concerns that are raised. This discussion could occur at either a general level based on an overview of the concept behind a Flaming Gorge water supply project, or it could be based in

⁴ National Environmental Policy Act

Flaming Gorge Situation Assessment Report – May 2011

project summaries from each of the two project proponents, allowing the stakeholder group to identify concerns that might be specific to one or the other project design.

In this approach, the output of the process would be greater understanding among project proponents and stakeholders about the issues and concerns regarding a Flaming Gorge project, likely summarized in a final document. The discussion, the greater stakeholder understanding, and the summary document could then assist project proponents in designing a project that addressed as many of the concerns as possible.

This approach would advance understanding of the issues and options related to a Flaming Gorge water supply project, but it would not increase knowledge or understanding of acceptable ways of mitigating them or ways of comprehensively addressing multiple concerns and issues to achieve a project that is acceptable to stakeholders and regulators. This approach would likely be the least time-intensive and the least costly of the options identified by respondents.

Identification of Issues/Concerns and Exploration of Strategies to Address Them

A second option for a process approach would begin with stakeholder identification of issues and concerns, but then proceed to a discussion of options for ways that problems could be mitigated and concerns could be addressed. This would allow stakeholders with a variety of interests and expertise to help improve a potential project to maximize benefits and minimize negative impacts of a project. This approach would be more likely to engage stakeholders across substantive and geographic divides to work together to identify strategies that could lead to a project that is viewed as substantially better than anything a single stakeholder group or project proponent could produce. In order to be most productive, this discussion would need to be based in project summaries from each of the two project proponents, allowing the stakeholder group to identify concerns that might be specific to one or the other project design and brainstorm and explore ways of addressing project-specific concerns or issues.

In this approach, the outcome of the process is greater stakeholder understanding of the issues and concerns associated with a Flaming Gorge project, greater awareness of ways that problems can be addressed and impacts mitigated, and potentially a shared belief among stakeholders that if a Flaming Gorge project is built, it can be built in a way that maximizes benefits and minimizes impacts. The output of this approach would likely be a summary of all the issues and concerns identified, as well as a summary of the potential approaches that the group discussed to address those issues.

This approach would advance understanding of the issues and options related to a Flaming Gorge water supply project and increase knowledge or understanding of acceptable ways of mitigating them, but it would not explore ways of comprehensively addressing multiple concerns and issues to achieve a project that is acceptable to stakeholders and regulators. This approach would likely be more time-intensive and costly than simply identifying issues and concerns, but not as time-intensive or costly as consensus building.

Flaming Gorge Situation Assessment Report – May 2011

Consensus Building

Some stakeholders have suggested that the goal of a stakeholder process should be to gain consensus about a Flaming Gorge water supply project or, at least about the best approach to building and mitigating the impacts of a Flaming Gorge project. Because some stakeholders are concerned that even engaging in a dialogue could advance the Flaming Gorge project and lead to a presumption that the project will be built, seeking consensus about *whether* to build a Flaming Gorge or *which version* of a Flaming Gorge project to build would be challenging and may actually keep some stakeholders from participating in the discussion. However, seeking consensus on criteria for a Flaming Gorge project to meet or on the highest-value ways of mitigating impacts *if* a Flaming Gorge project is going to be built could be a productive and valuable discussion.

Any consensus-based stakeholder dialogue on a Flaming Gorge project would need to begin with an identification of issues and an exploration of potential strategies to address concerns, similar to the approach described above. The outcome of the process would be stakeholder consensus on criteria or mitigation strategies or design considerations, with a report documenting the discussions and the final agreement.

This approach would advance understanding of the issues and options related to a Flaming Gorge water supply project, increase knowledge or understanding of acceptable ways of mitigating them, and explore ways of comprehensively addressing multiple concerns and issues to achieve a project that is acceptable to stakeholders and regulators. Building consensus on complex issues takes time and resources, and this approach is likely to be the most time-intensive and costly.

Process for a Dialogue

Several respondents indicated that a full-fledged stakeholder dialogue on a Flaming Gorge project might be premature until several “threshold” questions are addressed. These individuals stated that there several issues of legality, hydrology, and financing that need to be addressed first, because if there are critical barriers to a Flaming Gorge project there may not be a need for further exploration of other concerns and mitigation strategies. Some of the respondents who expressed this concern also indicated that the Colorado Attorney General and State Engineer, officials from federal agencies like the Bureau of Reclamation, officials from Wyoming and Utah, and project proponents should be actively involved in exploring some of these threshold questions and then become less active in subsequent stakeholder discussions should they occur. A few individuals who advocated for a preliminary process on these threshold questions stated that non-Colorado entities should not be at the table for these discussions, but could be available to provide perspectives and answer questions in any subsequent discussions.

A few respondents suggested that it would be important to have a preliminary discussion about who would pay for a project, who would develop it, who would operate it, and who would own the water rights. For individuals and groups with this perspective, whether and how to build a Flaming Gorge water supply project is critically dependent on the answers to these questions, and addressing them first will frame the rest of the conversation about options for project design and mitigation strategies. For these respondents, starting a dialogue on anything but these issues would be misleading and potentially a waste of time and resources.

Flaming Gorge Situation Assessment Report – May 2011

F. Dialogues on Other Water Supply Projects

The interview protocols included questions about whether water projects other than Flaming Gorge merit stakeholder dialogues. A small number of respondents said no, but most respondents identified one or more other projects that merit dialogues. The most commonly cited projects meriting dialogues were Blue Mesa Pumpback and Yampa Pumpback, although many respondents stated that they believe that these projects are not very far along in the planning and design process, making it difficult to know how viable they might be. A few respondents suggested combining discussions on Flaming Gorge, Blue Mesa Pumpback, and Yampa Pumpback, but others indicated that it would be best to separate these issues and focus on one project.

Other projects that might merit a stakeholder dialogue that were cited by respondents include a comprehensive discussion of all facilities in the Colorado River Storage Project, Union Park Pumpback, Green Mountain Pumpback, Mississippi River floodwaters injected into the Ogallala Aquifer, moving water out of the Arkansas Basin, establishing the right mix of identified projects and processes (IPPs), individual IPPs around the state that are already in the NEPA process, Northern Integrated Supply Project (NISP), Windy Gap, Moffat Collection, conservation strategies, conjunctive use, and reducing dependence on non-renewable water supplies like groundwater and aquifers.

III. RECOMMENDATIONS

The above feedback from assessment participants suggests that a stakeholder dialogue about a possible Flaming Gorge project would be useful and likely to increase understanding (at the very least) and help build agreement about concerns and ways to address them (at the most). The stakeholder feedback, combined with the experience and professional judgment of the facilitators writing this assessment, suggests an approach for a stakeholder dialogue that could occur in one of three venues.

A. Convening/Funding Recommendations

OPTION A: Free-Standing Stakeholder Dialogue (Preferred)

It would be most beneficial to establish a new freestanding stakeholder dialogue to explore a Flaming Gorge project. Although the process would build on work done by CWCB and relate to work that is currently underway by the IBCC, it would not be directly connected to either CWCB or IBCC. This is the preferred approach for several reasons. First, there is substantial sensitivity regarding the appropriate role of CWCB in water supply and water projects. Keeping the discussion of Flaming Gorge separate from the Board seems most likely to ensure those concerns do not unduly affect the stakeholder discussion. Additionally, the Board's meeting schedule is already aggressive and meeting agendas are consistently full with other business. Regarding the IBCC, while some believe that a stakeholder dialogue about Flaming Gorge is a natural next step from the IBCC's preliminary framework to address the water supply gap, the concerns that others have raised about the balance of perspectives on the IBCC and whether the IBCC members themselves are interested in discussing specific projects weigh against this option.

Flaming Gorge Situation Assessment Report – May 2011

Due to sensitivities about its role, the Colorado Water Conservation Board as a policy-making body should not be actively engaged at the table in a discussion about Flaming Gorge. However, as the statewide water policy entity with responsibility to address the state's water needs and respond to projects that might affect them, the Board should be involved in efforts to explore ways of addressing the state's anticipated water supply gap at the leadership level. For a Flaming Gorge stakeholder dialogue, it would be both highly beneficial and appropriate for the Board to endorse the stakeholder process and the membership of the group (i.e., putting the support of CWCB behind the process). Additionally, it would add another layer of leadership for one or more Board members to participate in the dialogue as equals with other participants. Together, these two roles would lend credibility to the stakeholder process and elevate it to the level of a statewide water policy conversation.

The stakeholder process will be most effective if, in addition to neutral convening as described above, there is funding that is perceived to be sufficiently neutral. As with this assessment, funding could be provided through Water Supply Reserve Account grants from one or more basin roundtables with an interest in a balanced and productive dialogue about a possible Flaming Gorge project. CWCB could also demonstrate leadership and lend its support to the stakeholder process by approving any such WSRA grant applications.

OPTION B: IBCC-Based Dialogue

Several participants in the assessment process indicated that many members of the IBCC would be likely participants in a stakeholder process on Flaming Gorge. If acceptable to the Director of the IBCC and to IBCC participants, a Flaming Gorge dialogue could occur as an IBCC-based discussion through the creation of new working group. Article VII of the IBCC By-Laws allows for the creation of working groups or committees. Such committees are open to all members of the IBCC, and additional members from outside the IBCC can be included with the approval of the IBCC. Using this authority, the IBCC could establish a Flaming Gorge Working Group and identify as members a subset of IBCC members and several additional individuals representing stakeholder groups. Such an effort could be initiated by the IBCC Director, it could be suggested by the IBCC members representing basin roundtables with an interest in a thoughtful discussion about Flaming Gorge, or the CWCB could ask the IBCC to engage in this discussion.

This approach would capitalize on the knowledge and energy of IBCC members, and careful attention to including new voices and perspectives from non-IBCC members could help address perceptions of imbalance on the IBCC. However, it is not clear how this would fit into the IBCC's work plan for 2011 and beyond. Additionally, the IBCC is funded by the State. Integrating a Flaming Gorge dialogue into the IBCC would either require the State to directly fund the dialogue or necessitate a new financial arrangement between other possible funders and the State.

OPTION C: CWCB-Based Dialogue

CWCB could itself convene a dialogue, with the Board actively participating or with the primary responsibility given to staff to implement the dialogue. It is unclear how a Flaming Gorge dialogue would fit into the work plan of Board and of staff, but several respondents (including some members of the Board) stated that CWCB should be the locus of this discussion because of the statewide impact and importance of a possible Flaming Gorge project. This approach would

Flaming Gorge Situation Assessment Report – May 2011

be troubling to some stakeholders who would prefer to see the Board remain completely neutral and hands-off regarding project discussions. However, a discussion convened and managed by the Board would carry substantial weight and would be likely to engender participation. Funding for a dialogue under the auspices of CWCB could come from CWCB funding, WSRA grants, or some combination of the two.

B. Participation/Representation Recommendation

There is substantial interest among stakeholders in participating in a dialogue. While this interest is encouraging and may bode well for the process, if all of the stakeholders who expressed an interest in the dialogue were to have seats at the table the total number of participants would be unmanageable and unproductive. However, many respondents indicated that several State and federal agencies have critical knowledge or perspectives that should inform the discussion, but may not need to participate actively in the stakeholder deliberations. Additionally, there are individuals who may have information and important perspectives to add to discussions on a particular topic and who should be engaged on certain issues, but who may not need to be engaged at all levels. This suggests that it may be appropriate to have two tiers of participation: members of the stakeholder dialogue group who are at the table and resource/advisory entities and others who participate on an issue-by-issue basis. The following participation recommendation reflects this tiered approach and would be beneficial in a free-standing, IBCC-based, or CWCB-based dialogue.

At the Table: Core Group

The Core Group would be comprised of stakeholders who have an overarching interest in a Flaming Gorge project and who represent a larger constituency of interested individuals and/or groups. A manageable size for the Core Group would be approximately 17 named members, with each member having a named alternate to participate if the member is unable to attend meetings. The Core Group should have some representation from CWCB (at the Board level), the IBCC, and the basin roundtables (for consistency and integration with ongoing efforts) and individuals with no connection to these entities. Some stakeholders could meet multiple representation goals (i.e. an IBCC member and/or a CWCB Board member who also represents one of the stakeholder groups outlined below).

Members could include:

- 4 members representing potential water-receiving project beneficiaries from geographically diverse areas from the Front Range (i.e., water providers, municipalities, and/or counties representing communities from the South Platte, Metro, and Arkansas Basins)
- 2 representatives from the Yampa/White/Green Basin
- 2 representatives from the environmental community (one from the Front Range and one from the West Slope)
- 1 representative from the recreational community
- 1 representative from the Colorado River Water Conservation District
- 2 representatives from the ranching/farming community (one from the Front Range and one from the West Slope)
- 2 representatives of other basins or roundtables

Flaming Gorge Situation Assessment Report – May 2011

- 1 member representing the Colorado Water Conservation Board staff
- 1 member representing the Colorado Department of Natural Resources and its constituent agencies
- The Governor's Advisor on Water Policy / Director of Compact Negotiations (or his designee)

Resource/Advisory Entities

Entities with substantive knowledge about and/or regulatory authority regarding a possible Flaming Gorge project should participate in the discussions of the Core Group as needed, providing agency experience and perspective without weighing in on the outcome of the discussion. Entities that could add value in this role include:

- Project proponents
- State of Colorado
 - Colorado Water Conservation Board
 - Department of Natural Resources
 - Division of Water Resources
 - Division of Wildlife
 - Attorney General's Office
 - Department of Public Health and Environment
- State of Wyoming (Joint Powers Authority, Attorney General, others as needed)
- State of Utah (as needed)
- Other public entities in Wyoming and Utah (municipalities and counties)
- Federal agencies
 - Bureau of Reclamation
 - Army Corps of Engineers
 - Fish and Wildlife Service
 - Bureau of Land Management

Other Participation

Rather than exclude individuals and entities who are not on the Core Group and who are not employed by resource or advisory agencies, it may make sense to invite other interested stakeholders (from Colorado, Wyoming, and Utah) to participate in discussions at the subcommittee level. This will help ensure that multiple perspectives are considered in the process without over-populating the Core Group. In particular, the Core Group should encourage participation at the advisory level by the two project proponents, as these individuals have unique knowledge about the proposed projects and unique perspectives about the potential positive and negative impacts of them.⁵

⁵ Some respondents indicated that one or both of the project proponents should be at the table in the dialogue. Others indicated that neither project proponent should be at the table. Given the competing nature of the two projects and the possibility for litigation in the future, having both proponents at the table is not likely to be conducive to consensus building, and the process could not legitimately proceed with only one proponent at the table. For this reason, both project proponents should be engaged at the advisory level but not on the Core Group.

Flaming Gorge Situation Assessment Report – May 2011

Selection of Core Group Members

There is substantial interest in participating in a dialogue about Flaming Gorge—supporters and opponents both want to be at the table, as do many individuals who have not yet decided and are curious about the project. In fact, the vast majority of non-regulatory respondents said that they would want to be at the table. While this interest and enthusiasm is encouraging and may bode well for a successful process, neutral selection of individuals to fill the 14 non-State seats will be critical, as will selection of individuals who are willing to sit down with people of differing opinions and perspectives and engage in a respectful, productive dialogue. The most neutral and expedient approach to selection would be to have basin roundtables, stakeholder groups, and IBCC members nominate individuals to fill any or all of the 14 non-State seats (and explain why those are the right people), and then have the facilitation team for this assessment process interview potential Core Group members and select a diverse group that can represent the interests involved while also contributing to a productive discussion. The facilitators will defer as much as possible to the preferences of the entities or interest groups nominating individuals for the Core Group.

C. Framing/Purpose Recommendation

The proper framing of a stakeholder process on a technically complex and controversial project like Flaming Gorge is critical. Ensuring that the question or topic under discussion is one that is acceptable to key stakeholder groups is important, as is ensuring that participants have the information they need to have a meaningful discussion and make informed decisions. A staged process would be the most likely to ensure an informed and productive discussion and make the best use of participants' time. This approach would be beneficial in a free-standing, IBCC-based, or CWCB-based dialogue.

Phase 1: Issue Identification

The goal of the first phase of the collaborative process would be to identify and agree on interests at play in a discussion about a possible Flaming Gorge project (provision of water, protection of the environment, etc.). The Core Group would then seek to identify and agree on the issues or questions that emerge from those interests and, from that list, which of those issues can/will be addressed during the course of the stakeholder process. The group would then divide those issues into two categories: threshold issues and design/mitigation issues. Threshold issues would be explored in Phase 2; design/mitigation issues in Phase 3. The Core Group would seek agreement on this categorization and, once it was complete, they would seek agreement on whether to proceed to Phase 2. Phase 1 could be expected to take 2-3 meetings.

Phase 2: Threshold Issues

Several respondents stated that there are threshold issues that must be explored prior to an in-depth discussion about project design and mitigation. These threshold questions include questions of legality, hydrology, and financing that could potentially pose insurmountable barriers to a Flaming Gorge project. Phase 2 would focus on exploring these threshold issues, perhaps with the assistance of experts and/or diverse panels representing different perspectives on a given issue. Some threshold questions may be resolved, while others may foster compelling discussions without resulting in resolution. The stakeholder group will need to determine if/how

Flaming Gorge Situation Assessment Report – May 2011

it will proceed if there are no clear answers to one or more threshold questions. The end result of Phase 2 would be agreement on a summary of the answers to threshold questions and/or an agreement on the range of views regarding unresolved threshold issues. At the end of Phase 2, the Core Group would decide whether or not to proceed to Phase 3. Phase 2 could be expected to take 6-8 meetings, with possible additional meetings of issue-specific subcommittees.

Phase 3: Design and Mitigation

Once the Core Group has agreed on the interests at hand, the issues to be discussed, and the answers (or lack of answers) to the threshold questions, they could begin to explore the actual design options for a Flaming Gorge project and discuss options for maximizing benefits of a project and minimizing and mitigating impacts. This process would likely involve presentations from the two project proponents about their respective designs and visions of benefits and impacts. The Core Group's deliberations would also benefit from presentations from stakeholder groups about concerns and potential negative impacts, as well as discussion of ways to mitigate impacts and/or create new benefits. This conversation could also include presentations about other major water supply projects for the purpose of comparing expected potential benefits and impacts from a Flaming Gorge project with expected potential benefits and impacts from other projects (Blue Mesa and Yampa Pumpbacks in particular).

The Core Group would seek agreement about the potential benefits and potential impacts of a Flaming Gorge project, and then work to develop a list of necessary or preferred criteria, characteristics, or components of a Flaming Gorge project *should one be built*. It is important to note that stakeholders would not be asked whether they support a Flaming Gorge project or if they think one should be built—this question would make several stakeholders uncomfortable and potentially inhibit productive discussion. The final work product of the stakeholder process would be agreement on the list of necessary or preferred criteria, characteristics, or components of a Flaming Gorge project. This list could then assist project proponents in their efforts to develop a project (or a decision not to develop a project), and it would assist both stakeholders and regulators in their respective assessments of any project(s) that may move forward. Phase 3 could be expected to take 6-8 meetings, with possible additional meetings of issue-specific subcommittees.

Early and Regular Roundtable and Stakeholder Engagement

Due to the magnitude of a potential Flaming Gorge project and the possibility that, if built, such a project could bring both positive and negative impacts to stakeholders throughout the state, engaging the nine basin roundtables and the broader stakeholder community in regular discussions throughout the dialogue process will be critical. For some roundtables and stakeholders, regular updates, an up-to-date website, and periodic opportunities to react to ideas and documents might be sufficient. For others like the Arkansas, Metro, South Platte, Colorado, and Yampa/White/Green Roundtables, CWCB, the IBCC, and the environmental and agricultural communities, additional engagement would be highly beneficial. The Core Group, through either a committee or through the facilitation team, should engage these roundtables and stakeholders at the beginning of each phase to solicit their initial ideas, perspectives, and suggestions and then circle back to them periodically throughout the process to provide updates and gain additional feedback. This will help ensure that as many voices as possible are brought into the deliberations of the Core Group, while keeping the group size manageable. It will also

Flaming Gorge Situation Assessment Report – May 2011

help mitigate the risk of the Core Group coming to an agreement that is completely out of step with other stakeholders or missing an opportunity for agreement because they did not hear one or more ideas that could help them find common ground. Additionally, it would be highly beneficial for the Core Group to hold meetings in different locations around the state, with particular emphasis on meeting in potentially affected basins as much as possible.

Finding Agreement

There are a variety of approaches to getting a group of diverse stakeholders to an “agreement” at the end of a collaborative process like the one described above. Some processes use majoritarian voting because it allows for concise results and limits the ability of a minority to “veto” an agreement when most of the group agrees. Other processes use consensus, which can be defined in a variety of ways but generally involves all members of the group agreeing. For the purposes of a stakeholder dialogue for Flaming Gorge, majoritarian voting would be challenging, because in order for it to work, representation of stakeholders would need to be fairly allocated among Core Group members (it is unclear how many stakeholders would be represented by any given Core Group member and it is unclear whether or how Core Group members would declare or define their constituencies, which are generally rather diffuse). Consensus is therefore the recommended approach, with the term being defined as “everyone in the group can live with the decision.” Consensus challenges stakeholders to find ways to meet the needs and accommodate the interests of everyone around the table rather than giving them an incentive to build coalitions and establish voting blocs (as often occurs in majoritarian voting). Consensus is not easy but, when achieved, it yields more substantively balanced and politically robust results than voting. Consensus is the recommended approach to decision-making for a free-standing, IBCC-based, or CWCB-based dialogue.

Funding and Facilitation

At the first meeting of the Core Group, prior to discussing any of the threshold questions outlined above, discussions will be needed on how to fund the process going forward and who should facilitate the process.

- **Funding**

The cost of a properly conducted and professionally facilitated Flaming Gorge stakeholder dialogue is difficult to estimate without knowing who will facilitate it and how many of the three stages the Core Group will agree to complete. However, it is likely that funding the process would require a financial investment above what any individual stakeholder or basin roundtable is likely to be able or willing to provide. Options for funding include stakeholder contributions to a shared funding pool, one or more Water Supply Reserve Account grants, or some combination of the two. The Core Group will need to discuss these options and determine how to proceed, as the funding approach could drive the timing and scope of the process (i.e., stakeholder contributions could be secured more quickly than could WSRA funds, but WSRA funds may be able to fund a more complete process than could individual contributions).

Flaming Gorge Situation Assessment Report – May 2011

- **Facilitation**

Several assessment participants stated that professional, neutral facilitation is critical for a Flaming Gorge dialogue. It is important that the members of the Core Group feel comfortable that the dialogue is being planned, managed, and facilitated by an unbiased but capable party or team. At a preliminary meeting convened and facilitated by CWCB staff or the facilitators doing this assessment, the Core Group could review applications or resumes from possible facilitators and agree on whom to select. If the assessment facilitators were to convene this preliminary meeting and were submitting their own qualifications for Core Group consideration, they would need to leave the room during deliberations and decision making about the facilitator(s) for the process. Alternatively, WSRA grant applicants or CWCB (Board and/or staff) could select a facilitator prior to an initial meeting of the Core Group.

If the stakeholder process occurs through the IBCC, the same process outlined above could be used to allow the Core Group to select a facilitator. Alternatively, the IBCC facilitator could facilitate the discussion or the IBCC Director or the IBCC as a whole could select a different facilitator for the Flaming Gorge discussion.⁶ If the dialogue occurs through the CWCB, the Board could select a facilitator itself or direct staff to do so.

IV. CONCLUSION / NEXT STEPS

When this assessment process began, it was unclear whether it would be productive to convene a stakeholder dialogue to discuss a possible Flaming Gorge project. However, interviews and survey responses were clear: most stakeholders believe that getting a group together to explore concerns about, viability of, and design options for a Flaming Gorge project is a good and important step for Colorado to take in the ongoing effort to address the state's future water needs. An independent, stakeholder dialogue with the support and endorsement of the Colorado Water Conservation Board has the capacity to advance substantially the discussion of one possibility for addressing the state's water gap. While the dialogue will not deliver an agreement on whether to build a project (nor will it seek such an agreement), it will result in better thinking about whether a project could be built in a way that maximizes benefits and minimizes impacts throughout the state and what criteria or components could be included to achieve that goal.

The scope and budget for the assessment process included funds for the facilitators doing the assessment to convene an initial stakeholder meeting if the finding of the assessment was that a stakeholder dialogue was viable. Because it is the finding of this assessment report that a dialogue is viable and because neutral identification of stakeholders is important, the facilitators who have completed this assessment will, with the consent of the Executive Committee and the funding roundtables:

1. Develop a brief list of criteria or attributes for the members of the Core Group

⁶ Disclosure: Heather Bergman of Peak Facilitation is currently the facilitator of the IBCC and is one of the facilitators who prepared this assessment report.

Flaming Gorge Situation Assessment Report – May 2011

2. Solicit nominations for participants in the Core Group from the basin roundtables, stakeholder groups, and the IBCC, providing the above criteria as guidance
3. Interview nominated individuals to assess their willingness to participate in a dialogue and their interest in engaging in an open and productive dialogue
4. Select 14 non-State members of the Core Group and coordinate with the State of Colorado to ensure that the 3 State representatives are also selected
5. Convene an initial meeting of the Core Group to discuss the process approach outlined above, funding, facilitation, and if appropriate, operating protocols for the Core Group.

All of the above tasks can be completed with the funds available from the WSRA grant funding this assessment process.

This report has been delivered to the Arkansas and Metro Roundtables, the entities that funded the assessment. The report has also been distributed via email to all participants in assessment interviews. It is a public document.

Flaming Gorge Situation Assessment Report – May 2011

VII. APPENDICES

Appendix A: List of Interviewees

Appendix B: Summary of Survey Respondents

Appendix C: Interview/Survey Questions

Appendix D: Names and Affiliations of Executive Committee Members

Appendix E: Water Supply Reserve Account Grant Application for the Flaming Gorge Task Force Assessment Process

Flaming Gorge Situation Assessment Report – May 2011

Appendix A: List of Interviewees (N=48)

Barber, Gary	Arkansas Basin Roundtable, El Paso County Water Authority
Blakeslee, Geoff	Colorado Water Conservation Board (Yampa/White/Green Basin)
Biggs, Barbara	Colorado Water Conservation Board (Metro)
Birch, Dan	Colorado River Water Conservation District, Interbasin Compact Committee
Brand, Rena	US Army Corps of Engineers
Broderick, Jim	Southeastern Water Conservation District
Crist, Larry	US Fish and Wildlife Service
Cech, Tom	Central Water Conservation District
Collins, Mike	US Bureau of Reclamation
Comstock, Jeff	Moffat County Department of Natural Resources
Danielson, Jeris	Arkansas Basin Roundtable, Interbasin Compact Committee
Davis, Alex	Colorado Department of Natural Resources, Assistant Director for Water Policy
Dickinson, T. Wright	Moffat County resident, Interbasin Compact Committee
Dils, Reed	Colorado Water Conservation Board (Arkansas Basin)
Eberle, Sinjin	Colorado Chapter of Trout Unlimited
Gilbert, Alan	US Department of the Interior
Gimbel, Jennifer	Colorado Water Conservation Board (Director)
Gray, Tom	Yampa/White/Green Roundtable, Moffat County Commission
Hamel, Alan	Pueblo Board of Water Works
Harris, Steve	Southwest Roundtable, Interbasin Compact Committee
Hawes, Taylor	The Nature Conservancy, Interbasin Compact Committee
Jaeger, Frank	Project Proponent
Kassen, Melinda	Interbasin Compact Committee
Kemper, Doug	Colorado Water Congress
Kuharich, Rod	Metro Roundtable, Interbasin Compact Committee

Flaming Gorge Situation Assessment Report – May 2011

Kuhn, Eric	Colorado River Water Conservation District, Interbasin Compact Committee
Lockhead, Jim	Denver Water, Metro Roundtable
Long, Becky	Colorado Environmental Coalition
McClow, John	Colorado Water Conservation Board (Gunnison Basin)
Million, Aaron	Project Proponent
Montgomery, April	Colorado Water Conservation Board (Southwest)
Neubecker, Ken	Colorado Roundtable, Trout Unlimited
Palma, Juan	US Bureau of Land Management
Peter, Chandler	US Army Corps of Engineers
Peternell, Drew	Trout Unlimited
Pifher, Mark	Aurora Water, Interbasin Compact Committee
Redifer, John	Colorado Water Conservation Board (Colorado Basin)
Roy, Cordell	National Park Service
Sharpe, Tom	Yampa/White/Green Roundtable
Shively, Mark	Douglas County Water Resource Authority
Smith, Travis	Colorado Water Conservation Board (Rio Grande Basin), Interbasin Compact Committee
Stulp, John	Governor Hickenlooper's Special Advisory for Water Policy; Director of the Interbasin Compact Committee
Trick, Carl	Colorado Water Conservation Board (North Platte Basin), Interbasin Compact Committee
Vandiver, Steve	Rio Grande Water Conservation District, Interbasin Compact Committee
Walkoviak, Larry	US Bureau of Reclamation
Waskom, Reagan	Colorado State University, Colorado Water Institute
Wilkinson, Eric	Colorado Water Conservation Board (South Platte Basin), Interbasin Compact Committee, Northern Water Conservation District
Wolfe, Dick	Colorado State Engineer's Office, Colorado Division of Water Resources

Flaming Gorge Situation Assessment Report – May 2011

Appendix B: Summary of Survey Respondents (N=32)

Stakeholder/Interest Participation in the Survey

Local elected official – West Slope, Colorado	2	6%
Local elected official – East Slope, Colorado	1	3%
Front Range agriculture/ranching	1	3%
West Slope agriculture/ranching	4	12%
Front Range environmental	1	3%
West Slope environmental	1	3%
Federal official	2	6%
State official – Colorado	1	3%
Front Range water supplier	4	12%
West Slope water supplier	5	16%
Other, please specify (<i>see below</i>)	10	31%
Total	32	100%

Others, as specified

- West Slope County staff delegated to water issues (1)
- West Slope Conservancy Board member and journalist (1)
- Upper Arkansas Valley agricultural producer/rancher (2)
- Member of a water conservancy district (1)
- Southern Colorado industrial water user (1)
- West Slope recreation and environmental representative (1)
- Front Range water lawyer (1)
- Member of the Arkansas Basin Roundtable (1)
- Eastern Plains water supplier (1)

Basin Roundtable Participation in the Survey

- 28 respondents (88%) are members of a basin roundtable.
- 4 respondents (12%) are not members of a basin roundtable.

Flaming Gorge Situation Assessment Report – May 2011

Appendix C: Interview/Survey Questions

1. *(Online survey only)*

Which of the following best characterizes you (please select the primary identifier)?

- a. Local elected official – West Slope, Colorado
- b. Local elected official – East Slope, Colorado
- c. Local elected official – Utah
- d. Local elected official – Wyoming
- e. Front Range agriculture/ranching
- f. West Slope agriculture/ranching
- g. Front Range environmental
- h. West Slope environmental
- i. Federal official
- j. State official – Colorado
- k. State official – Wyoming
- l. State official – Utah
- m. Front Range water supplier
- n. West Slope water supplier
- o. Other – please specify below

2. *(Online survey only)*

Are you a member of a water roundtable?

- a. Yes – If so, which roundtable?
- b. No

3. **Benefits and risks of a dialogue**

- a. If there were to be a dialogue among those with a stake in a Flaming Gorge water supply project (both those who might favor and those who might oppose), what might that dialogue accomplish?
- b. Which topic or topics would be most appropriate for a dialogue?
- c. What harm might a stakeholder dialogue do?
- d. Are there ways of conducting a dialogue that might help us minimize any potential for harm and take advantage of the potential benefits?

4. **Benefits and risks of no dialogue**

What's likely to happen if there's no dialogue and how would that affect your interests?

5. **Might you participate if there were a dialogue**

If there were a dialogue, would you want to be a part of it?

6. **Who else might participate or should participate**

If there were a dialogue, who else must participate to make it credible (key players, agencies and constituencies and who best represents them)?

7. **Other than Flaming Gorge**

- a. Is there different project that warrants dialogue or discussion?
- b. Would expanding the focus give us a different interview list? If so, who else should we talk to?

Flaming Gorge Situation Assessment Report – May 2011

Appendix D: Names and Affiliations of Executive Committee Members

Barber, Gary	Arkansas Basin Roundtable, El Paso County Water Authority
Gray, Tom	Yampa/White/Green Roundtable, Moffat County Commission
Kuharich, Rod	Metro Roundtable, Interbasin Compact Committee
Neubecker, Ken	Colorado Roundtable, Trout Unlimited
Waskom, Reagan	Colorado State University, Colorado Water Institute

Flaming Gorge Situation Assessment Report – May 2011

Appendix E: Water Supply Reserve Account Grant Application for the Flaming Gorge Task Force Assessment Process



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT 2009-2010 GRANT APPLICATION FORM

Flaming Gorge Project Task Force Assessment

Name of Water Activity/Project

Approving Basin Roundtable

\$40,000.00

Amount from Statewide Account

Total Amount of Funds Requested

Amount from Basin Account

Arkansas \$20K
Metro \$20K

Application Content

Application Instructions	page 2
Part A – Description of the Applicant	page 3
Part B – Description of the Water Activity	page 6
Part C – Threshold and Evaluation Criteria	page 8
Part D – Required Supporting Material	
Water Rights, Availability, and Sustainability	page 12
Related Studies	page 12
Statement of Work, Detailed Budget, and Project Schedule	page 12
Signature Page	page 17

Attachments

1. Reference Information
2. Insurance Requirements (Projects Over \$100,000)
3. WSRA Standard Contract (Projects Over \$100,000)
4. W-9 Form (Required for All Projects)

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Instructions

To receive funding from the Water Supply Reserve Account (WSRA), a proposed water activity must be approved by the local Basin Roundtable AND the Colorado Water Conservation Board (CWCBC). The process for Basin Roundtable consideration/approval is outlined in Attachment 1.

Once approved by the local Basin Roundtable, the applicant should submit this application, a detailed statement of work, detailed project budget, and project schedule to the CWCBC staff by the application deadline.

The application deadlines are:

- Basin Account – 60 days prior to the bi-monthly Board meeting
- Statewide Account – 60 days prior to the March and September Board meeting

Board Meeting Dates	Basin Account Deadlines	Statewide Account Deadlines
3/17 - 3/18/2009	1/16/2009	1/16/2009
5/19 - 5/20/2009	3/19/2009	n/a
7/21 - 7/22/2009	5/21/2009	n/a
9/15 - 9/16/2009	7/15/2009	7/15/2009
11/17 - 11/18/2009	9/17/2009	n/a
January 2010	11/15/2010	n/a
March 2010	1/15/2010	1/15/2010
May 2010	3/15/2010	n/a

When completing this application, the applicant should refer to the WSRA Criteria and Guidelines available at: <http://cwcbb.state.co.us/IWMD>.

The application, statement of work, budget, and schedule must be submitted in electronic format (Microsoft Word or text-enabled PDF are preferred) and can be emailed or mailed on a disk to:

Mr. Todd Doherty
Colorado Water Conservation Board
Intrastate Water Management and Development Section
WSRA Application
1580 Logan Street, Suite 600
Denver, CO 80203
Todd.Doherty@state.co.us

If you have questions or need additional assistance, please contact Todd Doherty of the IWMD Section at 303-866-3441 x3210 or todd.doherty@state.co.us.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Part A. - Description of the Applicant (Project Sponsor or Owner);

1.	Applicant Name(s):	El Paso County Water Authority		
	Mailing address:	P.O. Box 1976, Colorado Springs, CO 80901 Attn: Gary Barber, Manager		
	Taxpayer ID#:	84-1428849	Email address:	barbergl@aol.com
	Phone Numbers: Business:	719-598-0230		
	Home:			
	Fax:	719-329-1444		

2. Person to contact regarding this application if different from above:

Name:

Position/Title

3. Eligible entities that may apply for grants from the WSRA include the following. What type of entity is the Applicant?

☒ **x**

Public (Government) – municipalities, enterprises, counties, and State of Colorado agencies. Federal agencies are encouraged to work with local entities and the local entity should be the grant recipient. Federal agencies are eligible, but only if they can make a compelling case for why a local partner cannot be the grant recipient.

☒ **x**

Public (Districts) – special, water and sanitation, conservancy, conservation, irrigation, or water activity enterprises.

☐

Private Incorporated – mutual ditch companies, homeowners associations, corporations.

☐

Private individuals, partnerships, and sole proprietors are eligible for funding from the Basin Accounts but not for funding from the Statewide Account.

☐

Non-governmental organizations – broadly defined as any organization that is not part of the government.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

4. Provide a brief description of your organization

The El Paso County Water Authority, is organized under an Establishing Contract as a water authority, a body corporate and politic, a separate governmental entity, a political subdivision and a public corporation of the State of Colorado, pursuant to Section 18(2)(a) and 2(b) of Article XIV, Constitution of the State of Colorado, and to § 29-1-204.2, Colorado Revised Statutes approved on or about November 4, 1996. The document is recorded at Reception No. 097075620 of the records of the El Paso County Clerk and Recorder's Office.

The Authority currently has fourteen members, including metropolitan districts, water and sanitation districts, towns and cities within El Paso County. The Authority meets the first Wednesday of each month in the Board of County Commissioners Hearing Room, 3rd Floor, El Paso County Administration Building, 27 East Vermijo, Colorado Springs, Colorado. The monthly meetings are open to the public and carried over the internet by the El Paso County Information Technology Department.

5. If the Contracting Entity is different then the Applicant (Project Sponsor or Owner) please describe the Contracting Entity here. As described below, the Keystone Center is a non-profit facilitation group who are well versed in assessing the merits of a collaborative effort to resolve natural resource challenges. Keystone Center successfully facilitated the Fountain Creek Vision Task Force from 2006 through December, 2008, bringing Secretary of the Interior Ken Salazar's Crown Jewel Project into sharp focus and poised for success. From their draft proposal:

6.

Background – The Keystone Center

The Keystone Center stands at the intersection of scientific inquiry and public policy. The Center's Science and Public Policy Program has a thirty-year history of bringing together policy makers and stakeholders and helping them work together to solve the toughest policy problems. Our goal is to provide participants in a Keystone dialogue with the highest quality, unbiased information in settings that give them the greatest chance of building previously unimagined solutions.

The Science and Public Policy Program works with the public, private, and civic sectors using state-of-the-art consensus-building, problem solving, strategic planning, training and dispute resolution skills in the areas of transportation and land use, the environment, health, and energy. Keystone employs a talented group of mediators and facilitators who can help agencies, communities, governments, and businesses make sound decisions. The Keystone Center has a reputation for neutrality built on thirty years of work on the toughest policy problems. The Keystone Dialogues are well-known as carefully balanced, technically sophisticated venues for resolving the most pressing public questions.

A Balance of Stakeholders

Our first commitment is to ensure the effective participation of key stakeholders. The Keystone Center's neutrality allows us to reach out to non-governmental organizations, business and industry and government. Our credibility with all stakeholders makes it possible for The Keystone Center to serve as a trustworthy convener.

Unbiased Science

We help the stakeholders gather sound science, engage in joint fact finding and address data conflicts so that

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

their deliberation can focus on the policy solutions rather than focusing on disagreements over questions of fact – to avoid fighting over what we know in order to work on what we might do.

Sound Process

At the crossroads of policy and science, we offer a carefully constructed place, away from the heat of political debate and the emptiness of the political sound bite, for deep reflections and thoughtful problem solving.

Creative Solutions

Armed with the facts and working together in an atmosphere of cooperation and creativity, stakeholders can find unexpected, innovative solutions. They can break out of narrowly defined, one-sided positions and break new ground with solutions that serve the interests of every stakeholder and truly advance the public interest.

Michael Hughes

Vice President, Science and Public Policy Division

1600 Broadway | Ste 1920 | Denver, CO, 80202 | 303.468.8861 | mhughes@keystone.org

Mike leads Keystone's Science and Public Policy program, managing 23 professional staff. He is a mediator with 18 years of experience in public policy mediation in all three of Keystone's practice areas – environment, energy and health. In recent years, he has mediated long-standing, seemingly intractable conflicts over land use, transportation, air quality, climate change and chronic disease reduction. He has conducted regulatory negotiations, policy dialogues, site-specific mediations and public engagement processes at local, state, regional and national levels.

Heather Bergman

Associate, Science and Public Policy Division

1600 Broadway | Ste 1920 | Denver, CO, 80202 | 303.531.5511 | hbergman@keystone.org

Heather Bergman works on projects on a variety of topics, including watershed protection and restoration, public lands management, public health, and chemical weapons disposal. She facilitates collaborative deliberations of multiple and diverse stakeholders, as well as internal and small-group strategic planning processes. Heather has a Bachelor's Degree in International Relations and Modern Languages and a Master's Degree in Public Administration. She is currently pursuing a Ph.D. in comparative environmental politics and is preparing a doctoral dissertation on the implications for democracy of participatory resource management in the US and developing countries.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

7. Successful applicants will have to execute a contract with the CWCB prior to beginning work on the portion of the project funded by the WSRA grant. In order to expedite the contracting process the CWCB has established a standard contract with provisions the applicant must adhere to. A copy of this standard contract is included in Attachment 3. Please review this contract and check the appropriate box.

☒ The Applicant will be able to contract with the CWCB using the Standard Contract

☐ The Applicant has reviewed the standard contract and has some questions/issues/concerns. Please be aware that any deviation from the standard contract could result in a significant delay between grant approval and the funds being available.

8. The Tax Payer Bill of Rights (TABOR) may limit the amount of grant money an entity can receive. Please describe any relevant TABOR issues that may affect the applicant. None.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Part B. - Description of the Water Activity

1. Name of the Water Activity/Project: Flaming Gorge Task Force Assessment and Convening

2. What is the purpose of this grant application? (Please check all that apply.)

☐

Environmental compliance and feasibility study

☐

Technical Assistance regarding permitting, feasibility studies, and environmental compliance

☒

Studies or analysis of structural, nonstructural, consumptive, nonconsumptive water needs, projects

Study or Analysis of:

☒

Structural project or activity

☒

Nonstructural project or activity

☒

Consumptive project or activity

☒

Nonconsumptive project or activity

☒

Structural and/ or nonstructural water project or activity

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

3. Please provide an overview/summary of the proposed water activity (no more than one page). Include a

The Flaming Gorge Task Force: A Collaboration

This application is for: ASSESSMENT OF VIABILITY AND PROTOCOL TO CONVENE THE INITIAL MEETING OF A FLAMING GORGE TASK FORCE

PHASE ONE: (April to October, 2010) Identify, interview and engage key stakeholders, Colorado Basin Roundtables and sponsoring entities to assess the viability of a Flaming Gorge Task Force. The Assessment will review constituent agendas, supply alternatives, demand management, environmental impacts and project development strategies to determine if a collaborative task force model (see below) is viable. Keystone Center will prepare a written Assessment Summary, including a recommendation whether to proceed to the convening of a task force. If the recommendation is not to convene, the Summary will identify the obstacles to a successful convening or suggest alternatives to a task force approach. If the recommendation is favorable, Keystone Center will develop a protocol for the task force and convene the preliminary Task Force session (Optional Task 7). The cost of the convening meeting, to facilitate the organization and commencement of a vision task force, is included in this grant request. All subsequent task force meetings, shown here as a possible Phase Two, will proceed under a separate funding methodology, which may or may not include a future WSRA basin or statewide grant application.

Example of Possible Task Force, actual organization dependent on outcome of the Assessment

PHASE TWO: (October 2010 through October 2012) Convene a Task Force of water stakeholders to achieve consensus on a Development Plan for the Flaming Gorge project. **Key milestones:**

- March 2011: Vision Statement and memorialized in a Memorandum of Understanding
- September 2011: Goals, Strategies and Development Plan in place
- December 2011: Interbasin Compact Committee review & ratification of Development Plan.
- October 2012: Implementation Plan for Project development

Method

Facilitation by Contractor, the non-profit Keystone Center of four (4) levels of engagement:

- A. Consensus Committee**—Approximately 20 stakeholders from diverse interests serve as a decision-making body
- B. Federal Agency Technical Assistance Panel**—Self selected (i.e.completely optional) representatives of the Federal agencies like EPA, FWS, COE and BOR to provide technical feedback and support
- C. Working Groups/Basin Roundtables**—Subgroups to address substantive issues; participation open to anyone, including staff of Consensus Committee entities, the public, and third-party experts whose knowledge or expertise is desired by the rest of the group
- D. The Task Force**—Any and all persons or groups who self-identify as having an interest

Meetings

1. Monthly meetings of the Consensus Committee and most Working Groups; consultation with the Federal Agency Technical Assistance Panel as needed
2. Quarterly public meetings of the Task Force in dispersed locations about every three (3) months starting mid-way through Phase Two to solicit feedback and ideas
3. Regular Basin Roundtable meetings to assess basin impacts and opportunities

Outcomes

1. Allocation of Colorado's remaining Compact entitlement in an open, transparent fashion; potentially an Intrastate Compact via the Roundtable process
2. Public and stakeholder input on shaping NEPA compliance issues expediting an EIS.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Part C. – Threshold and Evaluation Criteria

1. Describe how the water activity meets these **Threshold Criteria**. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines.)

a) The water activity is consistent with Section 37-75-102 Colorado Revised Statutes.¹

b) The water activity meets the eligibility requirements of Part 2 of the criteria and guidelines because:

The Executive Summary of “*A Resource Document: Projects and Methods to Meet the Needs of the Arkansas of the Arkansas Basin*” states:

Much of water supply “Gap” of the Arkansas basin, nearly 20,000 acre-feet, could be addressed in the near term if, and only if, the Rotating Agricultural Fallowing method is coupled with regional cooperation on new infrastructure. However, the future of sustainability for both consumptive and non-consumptive needs in the Arkansas is tied to the future of the Colorado’s entitlement under the Colorado River Compact. Presentations and reports by the Roundtable’s Interbasin Compact Committee Representatives makes clear the interdependence of Colorado River imports, both existing and future, with the longevity of irrigated agriculture within the Arkansas basin.

The Roundtable member’s ranking of identified Statewide Projects might suggests that the Gunnison basin is the most logical starting point for investigation. The Green Mountain pumpback, while having the highest composite score, does not bring new water to the Arkansas basin, but likewise perhaps a Gunnison alternative may not immediately benefit the Metro or South Platte basins. The next ranked project, Flaming Gorge, would seem to be worthy of an inter-basin dialogue by and between the various Roundtables as a continuation of attempting to meet the needs of the Arkansas basin.

Reaching satisfactory conclusions to negotiations about regional cooperation on agricultural fallowing and construction of delivery infrastructure will be challenging but necessary to meet the near term “Gap.” A broader dialogue on the statewide allocation of Colorado River Compact entitlement goes beyond the sole purview of the Arkansas Roundtable and should involved all basins within the state. So, the Roundtable may elect, as it has done in past with difficult topics like the Ag-to-Urban Transfers Committee, **to enlist the aid of the Colorado Water Conservation Board and /or neutral facilitators to bring these important processes to successful completion.** We look forward to the feedback of other Roundtables, the Interbasin Compact Committee and the greater public. Our hope is to both continue and extend our dialogue toward bringing projects and methods that meet the needs of the Arkansas River Basin to fruition. (emphasis added)

¹ 37-75-102. Water rights - protections. (1) It is the policy of the General Assembly that the current system of allocating water within Colorado shall not be superseded, abrogated, or otherwise impaired by this article. Nothing in this article shall be interpreted to repeal or in any manner amend the existing water rights adjudication system. The General Assembly affirms the state constitution's recognition of water rights as a private usufructuary property right, and this article is not intended to restrict the ability of the holder of a water right to use or to dispose of that water right in any manner permitted under Colorado law. (2) The General Assembly affirms the protections for contractual and property rights recognized by the contract and takings protections under the state constitution and related statutes. This article shall not be implemented in any way that would diminish, impair, or cause injury to any property or contractual right created by intergovernmental agreements, contracts, stipulations among parties to water cases, terms and conditions in water decrees, or any other similar document related to the allocation or use of water. This article shall not be construed to supersede, abrogate, or cause injury to vested water rights or decreed conditional water rights. The General Assembly affirms that this article does not impair, limit, or otherwise affect the rights of persons or entities to enter into agreements, contracts, or memoranda of understanding with other persons or entities relating to the appropriation, movement, or use of water under other provisions of law.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

This Application is intended to provide an Assessment of the viability a vision task force through the engagement of the neutral Keystone Center. As described in the text, the Arkansas basin has had favorable experience with facilitation of difficult topics, like Ag-to-Urban Transfers and the Fountain Creek Vision Task Force.

An Arkansas Basin representative has presented this approach at a regular meeting of the Metro Roundtable where that roundtable approved it by a unanimous vote. If the Arkansas Basin approves the WSRA grant application, this application will be presented to the Metro Roundtable for ratification. The Metro Roundtable voiced an interest in bringing the South Platte and other roundtables into the dialogue.

A Concept Document presented to the Arkansas Roundtable in January, 2010 and the Metro Roundtable in February is included under separate cover.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

- c) The water activity underwent an evaluation and approval process and was approved by the Basin Roundtable (BRT) and the application includes a description of the results of the BRT's evaluation and approval of the activity. At a minimum, the description must include the level of agreement reached by the roundtable, including any minority opinion(s) if there was not general agreement for the activity. The description must also include reasons why general agreement was not reached (if it was not), including who opposed the activity and why they opposed it. Note- If this information is included in the letter from the roundtable chair simply reference that letter.

See letter attached

- d) The water activity meets the provisions of Section 37-75-104(2), Colorado Revised Statutes.² Specifically describe how the water activity either furthers the Roundtable's basin-wide water needs assessment or meets a consumptive or non-consumptive water supply need identified in the Roundtable's working needs assessment.

Non-consumptive water needs in the Arkansas Basin are dependent on imports from Colorado River Basin. In ranking the Methods available to meet the needs, the Voluntary Flow program was ranked highest. This application to complete an Assessment supports that method. The Assessment also directly ties to meeting the consumptive use demand in the basin, currently estimate at more than 20,000 acre-feet. The See "A Resource Document: Projects and Methods to Meet the Needs of the Arkansas of the Arkansas Basin, November, 2009" for details.

Methods Ranked by Composite Score				
Summary of Methods Scores				
	Viable	Bearable	Equitable	Composite
Voluntary Flow Agrmt.	4.62	4.54	4.31	13.46
Muni conservation	4.44	4.11	4.33	12.89
Phreatophyte rem.	4.10	4.40	4.10	12.60
Rotating Ag Fallow	4.21	4.14	3.86	12.21
Ind. Efficiency	4.00	4.00	3.78	11.78
Trans-cont. diversion	3.88	3.44	3.67	10.88
Visioning Task Force	3.31	3.85	3.62	10.77
Undrgrnd Water Stor.	3.31	3.69	3.46	10.46
Deep Aquifer Stor.	3.21	3.64	3.43	10.29
In-Stream Trust	3.64	3.36	3.21	10.21
Change:Not use it or lose it	2.22	3.00	2.78	8.00

² 37-75-104 (2)(c). Using data and information from the Statewide Water Supply Initiative and other appropriate sources and in cooperation with the on-going Statewide Water Supply Initiative, develop a basin-wide consumptive and nonconsumptive water supply needs assessment, conduct an analysis of available unappropriated waters within the basin, and propose projects or methods, both structural and nonstructural, for meeting those needs and utilizing those unappropriated waters where appropriate. Basin Roundtables shall actively seek the input and advice of affected local governments, water providers, and other interested stakeholders and persons in establishing its needs assessment, and shall propose projects or methods for meeting those needs. Recommendations from this assessment shall be forwarded to the Interbasin Compact Committee and other basin roundtables for analysis and consideration after the General Assembly has approved the Interbasin Compact Charter.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

- e) Matching Requirement: For requests from the Statewide Fund, the applicants is required to demonstrate a 20 percent (or greater) match of the request from the Statewide Account. Sources of matching funds include but are not limited to Basin Funds, in-kind services, funding from other sources, and/or direct cash match. Past expenditures directly related to the project may be considered as matching funds if the expenditures occurred within 9 months of the date the application was submitted to the CWCBC. Please describe the source(s) of matching funds. (NOTE: These matching funds should also be reflected in your Detailed Budget in Part D of this application)

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

2. For Applications that include a request for funds from the Statewide Account, describe how the water activity meets the **Evaluation Criteria**. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines.)

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Part D. – Required Supporting Material

1. Water Rights, Availability, and Sustainability

This information is needed to assess the viability of the water project or activity. Please provide a description of the water supply source to be utilized, or the water body to be affected by, the water activity. This should include a description of applicable water rights and the name/location of water bodies affected by the water activity. The Colorado River, the South Platte River and the Arkansas River basins.

2. Please provide a brief narrative of any related or relevant previous studies.

The Fountain Creek Vision Task Force Strategic Plan is included in the Resource Document referenced above. Also the Ag-to-Urban Transfers Guidelines document. Both of these initiatives were dependent on facilitation for their success. An assessment of a similar approach for Flaming Gorge is suggested based on those successful experiences.

3. Statement of Work, Detailed Budget, and Project Schedule

The statement of work will form the basis for the contract between the Applicant and the State of Colorado. In short, the Applicant is agreeing to undertake the work for the compensation outlined in the statement of work and budget, and in return, the State of Colorado is receiving the deliverables/products specified. Please note that costs incurred prior to execution of a contract or purchase order are not subject to reimbursement.

Please provide a detailed statement of work using the following template. Additional sections or modifications may be included as necessary. Please define all acronyms. If a grant is awarded an independent statement of work document will be required with correct page numbers.

Statement of Work

WATER ACTIVITY NAME - ASSESSMENT OF VIABILITY AND PROTOCOL TO CONVENE THE INITIAL MEETING OF A FLAMING GORGE TASK FORCE

GRANT RECIPIENT – El Paso County Water Authority

FUNDING SOURCE – Proposed Cost approximately \$45,000.00.

Sources: **\$5,000.00 from the El Paso County Water Authority**
 \$20,000.00 from the Arkansas Basin Roundtable basin account
 \$20,000.00 from the Metro Basin Roundtable basin account

If the South Platte Basin would like to participate in funding the Assessment, the basin fund accounts could be adjusted.

INTRODUCTION AND BACKGROUND

Provide a brief description of the project. (Please limit to no more than 200 words; this will be used to inform reviewers and the public about your proposal)

Identify, interview and engage key stakeholders, Colorado Basin Roundtables and sponsoring entities to assess the viability of a Flaming Gorge Task Force. The Assessment will review constituent agendas, supply alternatives, demand management, environmental impacts and project development strategies to determine if a collaborative task force model (see below) is viable. Keystone Center will prepare a written Assessment Summary, including a recommendation whether to proceed to the convening of a task force. If the recommendation is not to convene, the Summary will identify the obstacles to a successful convening or suggest alternatives to a task force approach. If the recommendation is favorable, Keystone Center will develop a protocol for the task force and convene the preliminary Task Force session (Optional Task 7). The cost of the convening meeting, to facilitate the organization and commencement of a vision task force, is included in this grant request. All subsequent task force meetings, shown here as a possible Phase Two, will proceed under a separate funding methodology, which may or may not include a future WSRA basin or statewide grant application.

OBJECTIVES

List the objectives of the project Assessment of the viability of convening a Flaming Gorge Task Force similar to the Fountain Creek Vision Task Force (funded by a \$75,000 WSRA basin grant). If deemed viable, as provided in an Assessment Summary, development of task force protocols, including funding strategies and commitments. Convene initial (1st) Task Force meeting.

TASKS

Provide a detailed description of each task using the following format

TASK 1 – [Name]

Description of Task

Task 1A: Preparation for Assessment

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Method/Procedure

Attend basin roundtable meetings (3), interviews with selected agencies (DNR, CWCB), prepare list of stakeholders with contact info, review list with executive cmte

Deliverable

List

TASK1 – [Name]

Description of Task

Task 1B: Stakeholder Interviews

Method/Procedure

Interview Stakeholders individual and/or in small focus groups; record & collate information

Deliverable

None.

TASK 1

Description of Task

Task 1C: Draft summary of results

Method/Procedure

Draft text, deliver draft (electronically) to interviewees for review

Deliverable

None.

TASK 1 – [Name]

Description of Task

Task 1D: Review Summary and revise based on Stakeholder input

Method/Procedure

Contact Stakeholders, review input edit as appropriate

Deliverable

None.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

TASK 1 – [Name]

Description of Task

Task 1E: Prepare Assessment Summary

Method/Procedure

Includes Executive Summary with
Recommendations/Protocols for convening a Task Force

Deliverable

Assessment Summary with Recommendations; Publication cost estimated at \$2,500 for 250 copies at \$100 per copy. One each for Roundtable members, stakeholders, CWCB/IBCC staff in other interested parties

TASK 1 – [Name]

Description of Task

Task 1F: Joint Roundtable presentation

Method/Procedure

Joint Roundtable Meeting with Stakeholders and Interested Parties invited

Deliverable

Slide show, graphics and details from the Assessment Summary

TASK 2 – [Name]

Description of Task

Task 2: Convene Task Force for Initial Meeting if Appropriate

Method/Procedure

Logistics for meeting venue and support, organization of protocols and invitations, structure of follow-on funding plan for the Task Force. Actively facilitate the meeting

Deliverable

Meeting Notes, Slide show, graphics and other detail used in the meeting.

REPORTING AND FINAL DELIVERABLE

Reporting: The applicant shall provide the CWCB a progress report every 6 months, beginning from the date of the executed contract. The progress report shall describe the completion or partial completion of the tasks identified in the statement of work including a description of any major issues that have occurred and any corrective action taken to address these issues.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Final Deliverable: At completion of the project, the applicant shall provide the CWCB a final report that summarizes the project and documents how the project was completed. This report may contain photographs, summaries of meetings and engineering reports/designs.

BUDGET

Provide a detailed budget by task including number of hours and rates for labor and unit costs for other direct costs (i.e. mileage, \$/unit of material for construction, etc.). A detailed and perfectly balanced budget that shows all costs is required for the State's contracting and purchase order processes. Sample budget tables are provided below. Please note that these budget tables are examples and will need to be adapted to fit each individual application. Tasks should correspond to the tasks described above.

THE KEYSTONE CENTER - SITUATION ASSESSMENT AND CONVENING				
Task Name	Estimate Hours	Associate with Admin Support	Sr. Associate	Description of Activities
Task 1: Step A. Preparation for Assessment	32	24	8	Attend basin roundtable meetings (3), interviews with selected agencies (DNR, CWCB), prepare list of stakeholders with contact info, review list with executive cmte
Task 1: Step B. Stakeholder Interviews	112	80	32	Interview Stakeholders individual and/or in small focus groups; record & collate information
Task 1: Step C. Draft summary of results	32	24	8	Draft Text, distribute draft
Task 1: Step D. Review summary & revise based on Stakeholder feedback	36	24	12	Contact Stakeholders, review input, edit as required
Task 1: Step E. Prepare final summary	32	24	8	Includes Executive Summary with Recommendations/Protocols for convening a Task Force
Task 1: Step F. Roundtable presentation	16	12	4	Joint Roundtable Meeting with Interested Parties
Not to Exceed Task 1 Hours , hours adjusted between Steps as req.	260	188	72	Deliverable: Task Force Assessment with Recommendation
Task 2 is Optional depending on the results of the assessment				If the Recommendation is to proceed to convening a Task Force, proceed. Otherwise, STOP .
Task 2: Convene Task Force for Initial Meeting if Appropriate	36	28	8	First Task Force meeting--New Process going forward
Total Labor Hour Estimate	296	216	80	
Estimated Costs	Hours	Rate	Rate	Cost
Labor - Associate	144	\$100		\$14,400
Labor - Senior Associate	80		\$245	\$19,600
Administrative Assistant/Drafting	72	\$85		\$6,120
Expenses - Travel and Printing Estimate				
Travel				\$1,500
Printing Assessment Document	100 copies at \$25 each (estimate)			\$2,500
Meeting support (coffee)				\$750
Subtotals				
Labor				\$40,120
Expenses				\$4,750
TOTAL:				\$44,870
\$44,870	Without Task 7 Convening Meeting			(\$4,970)
	Net Costs Through Task 6 if STOP			\$39,900

SCHEDULE

Provide a project schedule including key milestones for each task and the completion dates or time period from the Notice to Proceed (NTP). This dating method allows flexibility in the event of potential delays from the procurement process. Sample schedules are provided below. Please note that these schedules are examples and will need to be adapted to fit each individual application.

Estimated Schedule to Complete Assessment Summary and Convening of Task Force

Task	Start Date	Finish Date
1	Upon NTP	NTP + 90 days
2	Task 1+ 60-90 days	Appx October, 2010

NTP = Notice to Proceed

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009


PAYMENT

Payment will be made based on actual expenditures and invoicing by the applicant. Invoices from any other entity (i.e. subcontractors) cannot be processed by the State. The request for payment must include a description of the work accomplished by major task, and estimate of the percent completion for individual tasks and the entire water activity in relation to the percentage of budget spent, identification of any major issues and proposed or implemented corrective actions. The last 5 percent of the entire water activity budget will be withheld until final project/water activity documentation is completed. All products, data and information developed as a result of this grant must be provided to the CWCB in hard copy and electronic format as part of the project documentation. This information will in turn be made widely available to Basin Roundtables and the general public and help promote the development of a common technical platform.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

The above statements are true to the best of my knowledge:

Signature of Applicant: 

Print Applicant's Name: Gary Barber

Project Title: ASSESSMENT OF VIABILITY AND PROTOCOL TO CONVENE THE INITIAL MEETING OF A FLAMING GORGE TASK FORCE

Return this application to:

Mr. Todd Doherty
Intrastate Water Management and Development Section
COLORADO WATER CONSERVATION BOARD
1580 Logan Street, Suite 600
Denver, CO 80203

To submit applications by Email, send to: todd.doherty@state.co.us

To submit applications by Fax, send to: (303) 894-2578

For questions, call Telephone No.: (303) 866-3426

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Attachment 1 Reference Information

The following information is available via the internet. The reference information provides additional detail and background information.

Colorado Water Conservation Board (<http://cwcb.state.co.us/>)

Loan and Grant policies and information are available at – <http://cwcb.state.co.us/Finance/>

Interbasin Compact Committee and Basin Roundtables (<http://ibcc.state.co.us/>)

Interbasin Compact Committee By-laws and Charter (under Helpful Links section) –

<http://ibcc.state.co.us/Basins/IBCC/>

Legislation

House Bill 05-1177 - Also known as the Water for the 21st Century Act –

<http://cwcbweblink.state.co.us/DocView.aspx?id=105662&searchhandle=28318>

House Bill 06-1400 – Adopted the Interbasin Compact Committee Charter –

<http://cwcbweblink.state.co.us/DocView.aspx?id=21291&searchhandle=12911>

Senate Bill 06-179 – Created the Water Supply Reserve Account –

<http://cwcbweblink.state.co.us/DocView.aspx?id=21379&searchhandle=12911>

Statewide Water Supply Initiative

General Information – <http://cwcb.state.co.us/IWMD/>

Phase 1 Report – <http://cwcb.state.co.us/IWMD/SWSITechnicalResources/SWSIPhaseIReport/>

Attachment 2
Insurance Requirements

NOTE: The following insurance requirements taken from the standard contract apply to WSRA projects that exceed \$100,000 in accordance with the policies of the State Controller's Office. Proof of insurance as stated below is necessary prior to the execution of a contract.

13. INSURANCE

Grantee and its Sub-grantees shall obtain and maintain insurance as specified in this section at all times during the term of this Grant: All policies evidencing the insurance coverage required hereunder shall be issued by insurance companies satisfactory to Grantee and the State.

A. Grantee

i. Public Entities

If Grantee is a "public entity" within the meaning of the Colorado Governmental Immunity Act, CRS §24-10-101, et seq., as amended (the "GIA"), then Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the GIA. Grantee shall show proof of such insurance satisfactory to the State, if requested by the State. Grantee shall require each Grant with Sub-grantees that are public entities, providing Goods or Services hereunder, to include the insurance requirements necessary to meet Sub-grantee's liabilities under the GIA.

ii. Non-Public Entities

If Grantee is not a "public entity" within the meaning of the GIA, Grantee shall obtain and maintain during the term of this Grant insurance coverage and policies meeting the same requirements set forth in §13(B) with respect to sub-Grantees that are not "public entities".

B. Sub-Grantees

Grantee shall require each Grant with Sub-grantees, other than those that are public entities, providing Goods or Services in connection with this Grant, to include insurance requirements substantially similar to the following:

i. Worker's Compensation

Worker's Compensation Insurance as required by State statute, and Employer's Liability Insurance covering all of Grantee and Sub-grantee employees acting within the course and scope of their employment.

ii. General Liability

Commercial General Liability Insurance written on ISO occurrence form CG 00 01 10/93 or equivalent, covering premises operations, fire damage, independent Grantees, products and completed operations, blanket Grantual liability, personal injury, and advertising liability with minimum limits as follows:

(a) \$1,000,000 each occurrence; (b) \$1,000,000 general aggregate; (c) \$1,000,000 products and completed operations aggregate; and (d) \$50,000 any one fire. If any aggregate limit is reduced below \$1,000,000 because of claims made or paid, Sub-grantee shall immediately obtain additional insurance to restore the full aggregate limit and furnish to Grantee a certificate or other document satisfactory to Grantee showing compliance with this provision.

iii. Automobile Liability

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Automobile Liability Insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit.

iv. Additional Insured

Grantee and the State shall be named as additional insured on the Commercial General Liability and Automobile Liability Insurance policies (leases and construction Grants require additional insured coverage for completed operations on endorsements CG 2010 11/85, CG 2037, or equivalent).

v. Primacy of Coverage

Coverage required of Grantee and Sub-grantees shall be primary over any insurance or self-insurance program carried by Grantee or the State.

vi. Cancellation

The above insurance policies shall include provisions preventing cancellation or non-renewal without at least 45 days prior notice to the Grantee and the State by certified mail.

vii. Subrogation Waiver

All insurance policies in any way related to this Grant and secured and maintained by Grantee or its Sub-grantees as required herein shall include clauses stating that each carrier shall waive all rights of recovery, under subrogation or otherwise, against Grantee or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

C. Certificates

Grantee and all Sub-grantees shall provide certificates showing insurance coverage required hereunder to the State within seven business days of the Effective Date of this Grant. No later than 15 days prior to the expiration date of any such coverage, Grantee and each Sub-grantee shall deliver to the State or Grantee certificates of insurance evidencing renewals thereof. In addition, upon request by the State at any other time during the term of this Grant or any sub-grant, Grantee and each Sub-grantee shall, within 10 days of such request, supply to the State evidence satisfactory to the State of compliance with the provisions of this §13.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Attachment 3

Water Supply Reserve Account Standard Contract

NOTE: The following contract is required for WSRA projects that exceed \$100,000. (Projects under this amount will normally be funded through a purchase order process.) Applicants are encouraged to review the standard contract to understand the terms and conditions required by the State in the event a WSRA grant is awarded. Significant changes to the standard contract require approval of the State Controller's Office and often prolong the contracting process.

It should also be noted that grant funds to be used for the purchase of real property (e.g. water rights, land, conservation easements, etc.) will require additional review and approval. In such cases applicants should expect the grant contracting process to take approximately 3 to 6 months from the date of CWCB approval.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Attachment 4

W-9 Form

NOTE: A completed W-9 form is required for all WSRA projects prior execution of a contract or purchase order. Please submit this form with the completed application.