STATE OF COLORADO

Colorado Water Conservation Board
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TO: Colorado Water Conservation Board Members

FROM: Rebecca Mitchell, Water Supply Planning Section

DATE: November 8, 2013

SUBJECT: **Agenda Item 25, November 19-20, 2013 Board Meeting - Colorado's Water Plan Update**

Staff Recommendation: *This is an informational item only. No Board action is required.*

Background:
In May, 2013 the Colorado Water Conservation Board (CWCB) was charged, through Executive Order D 2013-005, with leading the great effort of creating Colorado's Water Plan (CWP) by the end of 2015. CWCB board and staff are aligning existing efforts in order to successfully deliver the grassroots-based CWP. This agenda item will continue to be a recurring item in future agendas.

In preparation for this effort, the CWCB has identified a variety of resources from which the agency may draw. The CWP will build upon the work of the Basin Roundtables and Interbasin Compact Committee (IBCC) as well as the findings of Statewide Water Supply Initiative (SWSI). The work of the Roundtables includes their Basin Implementation Plans and the work of the IBCC, which includes scenario planning, the No and Low Regrets Action Plan, as well as emerging discussions, which include new supply development. Several Roundtables have also expressed an interest in having the new supply development conversation. In addition, there are numerous Water Supply Reserve Account studies, the Colorado River Water Supply and Demand Study, and expertise and analysis from across the CWCB and other sister agencies that will need to be incorporated.

At the September 24-25, 2013 Board meeting, the Board continued to discuss the development and structure of the agency's CWP efforts and how they fit with other ongoing efforts such as the work of the IBCC and Basin Roundtable process. Emphasis was placed on coordinating these various efforts, necessary timelines for development, and associated roles and responsibilities. The framework for the CWP was reviewed in detail, and the Board guided staff through several recommendations for how to further evolve the framework.

Discussion
Staff will give presentations on key CWP updates and will lead a discussion with the Board on the items outlined below.

CWP Framework & Annotated Framework
Based on Board feedback received at the September 2013 Board meeting, staff updated the CWP framework and annotated framework for review and discussion. In addition to incorporating Board comments, other updates consisted of adding Section 5.2 Natural Disaster Management with the objective of the section being to characterize and assess the impact that natural disasters such as drought, flood and wildfire have on the water systems and water availability for Colorado, both now and into the future.

Dates were also added to correspond with when staff expects section drafts will be ready to be presented at a CWCB Board meeting.

The main objective of the overall discussion of the Annotated Framework is to ensure that staff has sufficient direction to move forward with the development of specific elements of the plan and on the timeframes and approach to draft the plan. The framework and annotated framework are living documents.

Update on Colorado's Water Plan Outreach and Communications
After the September 2013 Board meeting, a draft CWP Outreach and Communications Plan was presented in order to provide a cohesive strategy and structure for all CWP communications and outreach activities. Staff also gave a presentation on elements of the CWP Outreach and Communications Plan and reviewed current and planned activities. At the November 2013 Board meeting, staff will give a presentation including the following key topics related to Colorado's Water Plan outreach and communications:

Statewide Opinion-Editorials
After the September 2013 Board meeting, nine different versions of opinion-editorials authored by a mix of geographically relevant community members were sent to 25 publications throughout the state. As of November 8, 2013 18 of those were published. There was a supportive house editorial published in the Montrose Daily Press along with an accompanying front page story, both prompted by a personal visit from DNR Executive Director Mike King.

Thus far, we have seen opinion-editorials published in the following papers: The Craig Daily Press, the Crested Butte News, the Fort Morgan Times, the Glenwood Springs Post-Independent, the Grand Junction Sentinel, the Greeley Tribune, the Gunnison Country Times, the Meeker Herald, the Sky-Hi News, the South Platte Sentinel, the Steamboat Pilot, the Sterling Journal-Advocate, the Pueblo Chieftain, the Alamosa Valley Courier, the La Junta Tribune-Democrat, Salida Mountain Mail, and Durango Herald.

Colorado's Water Plan Website Launched November 1, 2013
On November 1, 2013 a new website was launched at www.coloradowaterplan.com. This new website will serve as a key communication mechanism to provide information, documents, and other resources related to Colorado's Water Plan to a broad audience. The website will also provide a mechanism for interested stakeholders to provide input on Colorado's Water Plan, stay informed on upcoming events, and learn how to get involved and participate in the process. The website was designed to work in a complementary fashion alongside the existing CWCB website, partner websites, and social media streams, so there are many cross-links embedded in the site.

Staff will guide Board members on a brief tour of the new Colorado's Water Plan website and allow time for discussion and comment. Similar to the framework, the website should be considered a living document that can be changed and updated as necessary throughout the entire span of the Colorado's Water Plan process.

Colorado's Water Plan – Review of Public Input Received to Date

Staff will provide an overview of public input received to date on Colorado's Water Plan and take comments from the Board regarding the process for incorporating those comments. The input received to date, including a summary spreadsheet, is included as an attachment to this Board memo.

Draft Framework
Colorado's Water Plan

Colorado's Water Plan framework continues to evolve. Below is the updated framework based on CWCB Board feedback received during the September 2013 meeting. In addition, some items have been included based on public comment. These items have been incorporated into the initial draft of the annotated framework below. Items that have been added due to additional input are in red.

Executive Summary

1. **Introduction and Background** *(draft January, 2014)*
   - 1.1. Summary of Colorado water and summary of plan
   - 1.2. Description of State, local, and Federal entities that are involved in water administration, study, planning and project permitting
   - 1.3. Description of Colorado Water Law & Administration
2. **Overview of Each Basin** *(draft March, 2014)*
3. **Water Demand by Sector** *(draft September, 2014)*
4. **Water Supply, Including Description of Historical and Projected Supply** *(draft September, 2014)*
5. **Water Management**
   - 5.1. Scenario planning and adaptive management and no and low regrets *(draft January, 2014)*
   - 5.2. Natural disaster management *(draft January, 2014)*
   - 5.3. Watershed health/management *(draft September, 2014)*
   - 5.4. Meeting the consumptive and nonconsumptive gaps *(draft September, 2014)*
   - 5.5. Conservation and reuse *(draft May, 2014)*
     - 5.5.1. M&I conservation and reuse (will include graywater and other reuse strategies)
     - 5.5.2. Agricultural conservation
     - 5.5.3. Self-supplied industrial (e.g. conservation of mining and energy water use)
     - 5.5.4. State agency conservation (e.g. Parks and Wildlife, Corrections, State Land Board, etc.)
   - 5.6. Alternative Agricultural to Urban Transfers *(draft May, 2014)*
   - 5.7. Municipal, industrial, and agricultural infrastructure projects and methods *(draft September, 2014)*
     - 5.7.1. Water supply projects and methods
     - 5.7.2. Existing water supply operation and maintenance
   - 5.8. Environmental and recreational projects and methods *(draft September, 2014)*
   - 5.9. Framework on ~~streamlined~~ more efficient water project permitting processes *(draft May, 2014)*
   - 5.10. Cross-basin conceptual agreements and points of consensus *(draft September, 2014)*
   - 5.11. Water quality *(draft May, 2014)*
6. **Alignment of State Resources and Policies** *(draft September, 2014)*
   - 6.1. Funding/financing
     - 6.1.1. Analysis of the cost to fully implement the CWP
     - 6.1.2. Economic benefit of implementing the plan
     - 6.1.3. Alignment of state funding resources and analysis of other funding opportunities
   - 6.2. State water rights and alignment
   - 6.3. Alignment of other State policies and resources
7. **Legislative Recommendations to Assist Fully Implementing the CWP** *(TBD based on plan's content)*
8. **Process for Plan Update** *(draft December, 2014)*

INITIAL DRAFT - Colorado's Water Plan Annotated Framework

Colorado's Water Plan Purpose: The Colorado's Water Plan (CWP) will leverage and integrate nine years of work accomplished by Colorado's Basin Roundtables, the Interbasin Compact Committee (IBCC), and Colorado Water Conservation Board (CWCB) to determine how to implement water supply planning solutions that meet Colorado's future water needs while supporting healthy watersheds and environment, robust recreation and tourism economies, vibrant and sustainable cities, and viable and productive agriculture.

Schedule: A draft water plan will be submitted by CWCB to Governor Hickenlooper by Dec. 10, 2014.

Executive Summary

1. Introduction and Background

1.1. Summary of Colorado Water and Summary of Plan

Objective: Introduce and outline the framework and structure of the CWP.

Potential Approach: Section 1.1 will discuss why the time is right for the CWP and what the CWP aims to accomplish. The section will also build upon Colorado's water values described in the executive order. As stated in the executive order, "Colorado's water policy must reflect its water values. The basin Roundtables have discussed and developed statewide and basin-specific water values and the Colorado Water Plan must incorporate the following:

- "A productive economy that supports vibrant and sustainable cities, viable and productive agriculture, and a robust skiing, recreation, and tourism industry;
- "Efficient and effective water infrastructure promoting smart land use; and
- "A strong environment that includes healthy watersheds, rivers and streams, and wildlife."

In order to incorporate Colorado's water values and set forth the goals of the CWP, this section will:

- Provide historical context for the CWP and water planning efforts in the state, including the Basin Roundtable (BRT) and IBCC processes, and the Statewide Water Supply Initiative (SWSI).
- Illustrate how the CWP was developed from grass roots efforts.
- Discuss challenges with the status quo trajectory vs. opportunities in the water plan. The CWP will seek to address the identified gaps while maintaining healthy watersheds and environment, robust skiing, recreation and tourism industries, vibrant and sustainable cities, and viable and productive agriculture.
- Information regarding other state water plans, and the need to integrate management of water quality and water quantity.
- Establish how the CWP will utilize SWI's technical platform.
- Integrate water products.
- Identify what the CWP aims to achieve, which includes:
    - Align state funding and the state's role in water supply and management with the plan's water values;
    - Streamline the state role in the approval and regulatory process regarding water supply and management;
    - Provide a path to state support of those water supply and water management proposals that stress conservation, innovation, collaboration and other criteria such as promoting smart land use, healthy watersheds for Colorado's rivers and streams, and smart water conservation practices that utilize demand-management. State support will also recognize that multipurpose projects will be preferred;

- Be constructed from the bottom-up, incorporating the work of the grassroots IBCC and BRTs;
- Protect Colorado's ability to fully use its water within its interstate compacts and agreements and in light of increasing downstream water demands and changing federal requirements;
- Establish a foundation for common-sense changes to the way we manage and transfer our water; and
- Address our looming gap between supply and demand while minimizing the permanent buy-and-dry of irrigated agriculture.

Supporting Information: Executive Order, Presentation, talking points, etc.
Staff Support: CWCB Staff

1.2. Description of State, Local, and Federal Entities that Are Involved in Water Administration, Study, Planning and Project Permitting

Objective: Demonstrate that the plan will make water supply project permitting more efficient and effective.
Potential Approach: Section 1.2 will be a brief section that will indicate the importance of aligning state resources and working collaboratively with federal permitting agencies. In addition, the section will specify that the CWP does not create an extra permitting hurdle for water providers; rather, it will establish a path to quicker (not more hurried) permitting for projects that meet the water values and criteria identified in the CWP.
Supporting Information: Information from State and Federal entities, 122.2, CWA Section 401, NEPA, ACTS, ESA
Staff Support: CWCB Staff and Department of Natural Resources (DNR) Executive Director's Office (EDO) staff, Colorado Department of Public Health and Environment (CDPHE) staff, Colorado Parks and Wildlife (CPW) staff

1.3. Description of Colorado Water Law & Administration

Objective: Demonstrate that the CWP works with Colorado water law and supports the doctrine of prior appropriation.
Potential Approach: Write a short section that describes how the plan works with Colorado water law to meet Colorado's future needs. This section will reaffirm the prior appropriation doctrine.
Supporting Information: Numerous sources, including C.R.S. 37-92-101 et. Seq., Colorado Constitution Article XVI, Sections 5 and 6, Interstate Compacts
Staff Support: CWCB Staff, Attorney General's Office, and Division of Water Resources (DWR)

2. Overview of Each Basin

Objective: Demonstrate the diversity of needs and interests throughout Colorado and to highlight each basin's importance in relation to Colorado's water values.
Potential Approach: Section 2 will include a brief summary of each basin, pulling content from SWSI where appropriate. In addition, this section will include information about how CWCB has supported each basin, such as with instream flows, flood assistance, drought assistance, compacts that are important to the basin, and major funding efforts that have occurred within the basin.
Supporting Information: SWSI 1 and 2, Basin Fact sheets
Staff Support: CWCB Staff

3. Water Demand by Sector

Objective: Illustrate Colorado's significant municipal, industrial, agricultural, environmental, and recreational water needs

Potential Approach: Section 3 will be a brief section summarizing Colorado's consumptive and nonconsumptive needs.
Supporting Information: SWSI 2010, HB 1051, SWSI update, BRT work
Staff Support: CWCB Staff
Potential Stakeholder feedback: N/A
Additional Questions or needs: HB 1051.

4. Water Supply, Including Description of Historical and Projected Supply

Objective: Describe Colorado's variable water supplies and highlight where there are critical limitations and opportunities.
Potential Approach: Section 4 will be a brief section that includes content regarding Colorado's surface and groundwater water supplies and how it relates to other states. The section will refer to the BIPs and SWSI update and be consistent with the IBCC scenarios. In addition to climate change, one of the limitations and concerns for the future will be dust on snow. Conversely, one of the opportunities is weather modification. The section will not describe project specifics.
Supporting Information: Executive Order, Bureau of Reclamation (BOR) Colorado River Basin Supply and Demand Study, SWSI 2010, BRTs, Drought Plan and Task Force work, Colorado River Water Availability Study (CRWAS), Front Range Vulnerability Study, SWSI update Ch. 7 on Scenario Planning and Adaptive Management, IBCC and BRT work on scenarios, Drought Task Force, Climate Change Technical Advisory Group.
Staff Support: CWCB Staff

5. Water Management

5.1. Scenario Planning and Adaptive Management and No and Low Regrets

Objective: Ensure that the CWP prepares Colorado for a broad range of potential futures and to show how the CWP builds upon the work of the BRTs and IBCC.
Potential Approach: Section 5.1 will include a brief and simplified narrative that indicates that the CWP is aimed at being successful regardless of what future Colorado faces. Summarize the no and low regrets. This section will frame how the other subsequent components fit into the CWP. This section will indicate where this information came from.
Supporting Information: BRT and IBCC Portfolio and scenario work, SWSI Update Ch. 7., IBCC No/Low Regrets Action Plan
Staff Support: CWCB Staff

5.2. Natural Disaster Management

Objective: To characterize and asses the impact that natural disasters such as drought, flood and wildfire have on the water systems and water availability for Colorado, both now and into the future.
Potential Approach: Utilizing previously completed studies such as the CRWAS, Drought Plan & Flood Plan, as well as the latest CMIP 5 climate change data, CWCB will examine the role that natural disasters have on the water systems and water availability for Colorado under current conditions as well as under a changing climate.
Supporting Information: 2010 & 2013 Drought Mitigation & Response Plan, 2010 & 2013 Flood Mitigation & Response Plan, CRWAS, new analysis of CMIP 5 under CRWAS phase 2 and SWSI 2016
Staff Support: CWCB Staff

5.3. Watershed Health/Management

Objective: Show how Colorado can pull together the state's consumptive and nonconsumptive interests in order to protect critical watersheds from fire and other natural hazards, such as floods, beetle kill, and drought.

Potential Approach: Section 5.3 will synthesize the BIP watershed health sections, and indicate any existing support garnered from downstream states and/or federal agencies. Based on successful examples and lessons learned, the section will make specific recommendations for how a successful partnership between local stakeholder groups, the state and federal agencies can be formed to respond in emergency situations.
Supporting Information: BIP watershed health section, list of watershed plans from the Northwest Colorado Council of Governments, and the Colorado State Forest Service watershed report. Information on fire impact to downstream states, existing plans, U.S. Forest Service information. This includes incorporating the request of some local staff at federal agencies to use stewardship opportunities and management tools.
Staff Support: CWCB Staff, Colorado State Forest Service staff

5.4. Meeting the Consumptive and Nonconsumptive Gaps

Objective: Demonstrate how the CWP rests upon the foundation of BRT work and indicate that the CWP incorporates the BIPs, which should meet most of Colorado's future water needs while maintaining the state's water values.
Potential Approach: Synthesize and summarize the BIPs showing how they will measurably meet Colorado's future water needs. While a few projects may be highlighted, the section will primarily refer to the BIPs.
Supporting Information: BIPs, especially section 6.
Staff Support: CWCB and CPW Staff

5.5. Conservation and Reuse

1.1.1. Municipal & industrial (M&I) conservation and reuse
1.1.2. Agricultural conservation
1.1.3. Self-Supplied Industrial (e.g., conservation of mining and energy water use)
1.1.4. State agency conservation

Objective: Indicate the amount of conservation that can be utilized to meet Colorado's future water needs.
Potential Approach: Section 5.4 will pull from various resources and will highlight recent BRT or legislative progress on the topic. Section 2.4.1 M&I Conservation and Reuse will synthesize BIP action on conservation and reuse and any legislative movements forward and summarize the pros and cons of M&I conservation. It will recognize demand hardening as a concern and will describe land use efforts related to the No and Low Regrets Action Plan. The subsection will also highlight reuse efforts, including graywater, potable reuse, and reuse for irrigation purposes. Section 2.4.2 Agricultural conservation will summarize the work of Colorado Agricultural Water Alliance. It will also recognize Colorado's unique issues with agricultural conservation related to the fact that 1) Colorado is a headwaters state and must consider interstate concerns, 2) there are limitations due to the protection of return flows for downstream users, and 3) nonconsumptive needs could be positively or negatively impacted. For section 2.4.3 Self-Supplied Industrial, summarize efforts to partner with industry, including the water savings associated with utilization of natural gas and renewable energy sources compared to coal. This section could be focused on the energy/water nexus more generally and showcase recent energy/water nexus efforts. For Section 5.4.4., State agency conservation, the section should indicate how state agencies are leading conservation efforts.
Supporting Information: SWSI 2010, Best Practices manual, Ag conservation paper, state agency water/energy conservation paper, Colorado & Yampa/White BRT energy study, nonprofit reports and memos on water/energy nexus, Letter to the Governors, information from water/energy workshops, SWSI Update (especially on industrial needs), BIPs, Colorado River Basin Supply and Demand Study and associated Next Steps Processes

Staff Support: CWCB Staff, relevant staff from other state agencies

5.6. Alternative Agricultural to Urban Transfers

Objective: Showcase recent and ongoing efforts allowing for water sharing between agricultural and municipal water users.

Potential Approach: The current path Colorado is on is the continued long term permanent dry up of Colorado's irrigated agriculture. Section 5.5 will lay a path for agricultural producers and municipalities to have a greater suite of options, while not rewriting property rights. The section will discuss recent legislative efforts to allow for alternative transfer method pilots, and will further the technical information, which indicates that approximately 50,000 acre-feet of agricultural water will be needed in the Front Range. Relevant aspects of the East Slope Basin Implementation Plans and the No and Low Regrets Action Plan will be incorporated. Examples, such as conservation easements which tie water to agricultural lands while allowing for temporary leasing on fallowed lands, will be highlighted. The section will also include an identification of some of the legal constraints.

Supporting Information: H.B. 1248 and associated Guidance and lessons learned from any pilots, Colorado Agricultural Water Alliance, Ag Policy Dialogue, Alternative Transfer Method grants and report, existing law concerning water banks, interruptible supply agreements, etc., information from discussions with the Colorado Water Bar

Staff Support: CWCB Staff, DWR Staff, Colorado Department of Agriculture Staff

5.7. Municipal, Industrial, and Agricultural Infrastructure Projects and Methods

5.7.1. Water supply projects and methods

5.7.2. Existing water supply operation and maintenance

Objective: Summarize the type and amount of infrastructure projects and methods needed to meet our current and future water supply needs, to indicate how much this infrastructure will cost, and to highlight multi-purpose and regional projects and methods from the BIPs. In addition this section will draft incentive-based criteria to help new projects that may be lacking become a project that is worthy of state support. It will also include an evaluation process and actions that take place when criteria are met. Similarly, for existing water supply operation and maintenance, criteria and a rubric for CWCB financing will be included. These efforts will be utilized in the permitting and funding section of the plan.

Potential Approach: Informed by the BIPs, Section 5.6 will summarize the amount of additional infrastructure Colorado will need to meet our future consumptive needs while striving to uphold Colorado's water values. This will include measures to keep agriculture in production in the state and support environmental and recreational needs as part of multi-purpose projects. Operation and maintenance will be impacted by the flooding on the South Platte and Arkansas, and the assessments sent to FEMA will be summarized. In addition, the section will estimate how much the infrastructure will cost.

Supporting Information: Cost estimates from SWSI 2010, BIPs, SWSI Update (e.g., section 8), CWCB Strategic Framework, flood assessments

Staff Support: CWCB Staff, Colorado Department of Agriculture Staff

5.8. Environmental and Recreational Projects and Methods

Objective: Summarize the needed environmental and recreational projects and methods needed for protecting Colorado's environmental legacy and recreational opportunities, and to highlight important regional projects and methods

Potential Approach: Informed by the BIPs, Section 5.6 will summarize the amount of additional projects and methods that will be needed to maintain and, in some cases, enhance Colorado's environmental and recreational attributes, while maintaining Colorado's water values. The section will describe how multi-purpose projects can benefit the environment and recreation and how agricultural uses can add value to these nonconsumptive uses as well. In addition, the section will estimate how much the projects and

methods will cost. The section will indicate the total number of projects, amount of protected or restored habitat, amount of protected or restored stream miles, and the expected benefit to nonconsumptive attributes.

Supporting Information: SWSI 2010, SWSI Update, BIPs, nonconsumptive database and Identified Projects and Processes (IPPs), Nonconsumptive toolbox

Staff Support: CWCB and CPW Staff

5.9. Framework on ~~streamlined~~ More Efficient Water Project Permitting Processes

Objective: Show how the CWP will help make the water supply project permitting processes more integrated, effective and efficient, especially for those projects that meet Colorado's water values and fit within the CWP framework.

Potential Approach: This section will summarize the work of state and federal permitting entities to accomplish the recommendations in the no and low regrets action plan that builds on the collaborative partnership that the State of Colorado already has with its federal partners. The draft indicates two main actions:

- **Streamline state permitting processes for IPPs that meet values of the CWP:** The Executive Order directs the CWP to help expedite permitting at the state level. The state should develop an approach to permitting IPPs that efficiently moves projects through the process and toward an outcome, whether positive or not, while ensuring sufficient protection of nonconsumptive and other values. Public engagement and community outreach regarding water supply needs may need to increase in affected communities to facilitate an efficient permitting process.
- ~~Continue~~ **Improve state coordination with the federal permitting entities:** The state should continue to meet with federal agencies and look for opportunities, including entering into MOUs, to make NEPA and permitting processes more efficient, especially for projects that meet the values of the CWP and are needed across multiple scenarios. Efficiency would not dictate whether the outcome is positive or not.

If there are pertinent aspects of the BIP's, those will be included as well. In addition, the CWP will consider any recommendations from the Quality and Quantity Workgroup recommendations on how quality and quantity policies should be linked, and seek to build off other successes, such as those in the endangered species recovery programs.

Supporting Information: CWCB Strategic Framework, No/Low Regrets Action Plan, any results from coordination meetings between state and federal permitting entities, ES white paper, Letter to the Governors, Mark Pifher Letter, nutrient rules, applicable law, Quality and Quantity Workgroup, information from state and federal permitting entities, information from project proponents, local governments, nonprofits, and other stakeholders on the permitting process, and information from the nutrients standards process, the work of CDPHE, the Colorado Water Quality Forum, nonconsumptive workshop comments at the 2013 Watersheds Conference, and the combined joint review process

Staff Support: CWCB Staff, EDO Staff, CPW Staff

5.10. Cross-basin ~~Framework~~ Conceptual Agreements and Points of Consensus

Objective: Showcase water management agreements achieved across basins and provide support to these agreements by virtue of incorporating them into the CWP.

Potential Approach: Section 5.8 will summarize existing agreements and discuss the importance of additional agreements. It will also detail any new agreements developed as part of the process and discuss any agreements that are underway. As part of this work, the section will explore criteria for a good new supply project or package of projects.

Supporting Information: Basin Roundtable Project Exploration Committee, No/Low Regrets Action Plan, Letter to the Governors, new supply subcommittee chairs letter, West Slope Caucus, East Slope white

paper, existing agreements (e.g., Colorado River Cooperative Agreement, Windy Gap Firming Agreement), Basin Roundtable and IBCC discussions.
Staff Support: CWCB Staff

5.11. Water Quality

The contents of this section will be outlined by the State's interagency water quality and quantity group.

6. Alignment of State Resources and Policies

6.1. Funding/Financing

1.1.5. Analysis of the cost to fully implement the CWP
1.1.6. Economic benefit of implementing the plan
1.1.7. Alignment of state funding resources and analysis of other funding opportunities

Objective: Indicate how the CWP can be implemented from a funding perspective and demonstrate that doing so would be beneficial for the vibrancy of the state. If additional funds beyond current resources are needed, it will demonstrate how such funds could be acquired.
Potential Approach: Drawing from SWSI and other resources, this section will briefly discuss the costs and economic benefits of implementing the plan and then discuss in greater detail how the CWP could be funded. This will include existing funding options such as CWCB loan and grant programs, Water and Power Authority loans, water provider / customer oriented funding, as well as private and federal options. If additional funds are needed, it will recommend a funding approach. Section 6.1.3 will indicate how state funding can be aligned with meeting the priorities set forth in the CWP.
Supporting Information: No/Low Regrets Action Plan Appendix B, SWSI 2010. SWSI Update, information from various funders (e.g., Water and Power Authority, Bureau of Reclamation, private funding entities), information from the Water Infrastructure Finance and Innovation Authority (WIFIA) and the Water Infrastructure Network (WIN), CWCB Strategic Framework
Staff Support: CWCB and CPW Staff

6.2. State Water Rights and Alignment

Objective: Indicate how the State of Colorado is utilizing its water rights to the best benefit of the state, in accordance with the CWP water values and goals.
Potential Approach: Section 6.2 will summarize how Colorado's state agencies are aligning their water rights to meet the water values and goals of Colorado's Water Plan. This section will include recommendations on how to move forward any critical water projects and methods that have not been achieved by the time the water plan is published. Specifically, water rights should be aligned to have multiple benefits, for instance to agriculture and the environment. Water sharing agreements could also be explored. Water rights and potential water projects should be reviewed so that they can best meet the nonconsumptive and consumptive measurable objectives in the BIPs. Model examples that, such as the Rio Grande Cooperative Projects, will be described.
Supporting Information: Instream flows, Colorado Parks and Wildlife water rights database, State Land Board water rights documents and recommendations, feedback from various state agencies that have water rights.
Staff Support: CWCB, EDO, and CPW Staff

6.3. Alignment of other State Policies and Resources

Objective: To ensure that state policies and procedures across agencies are aligned.
Potential Approach: This section allows state agencies to examine policies and resources related to water at a high level. The section will summarize how the State of Colorado has aligned its policies and resources

to meet the water values and goals of the CWP based off interagency meetings and information. For instance, the instream flows have been used as a way to align CPW interests with CWCB's instream flow program.

Supporting Information: Relevant policies from state agencies, Feedback from state agencies with water related policies.

Staff Support: CWCB Staff, EDO Staff, Attorney General's office, DWR, Colorado Parks and Wildlife, Colorado Department of Health and Environment, etc.

7. Legislative Recommendations to Assist Fully Implementing the CWP

Objective: To showcase recent legislative accomplishments and show grassroots support for any additional legislative action that is needed.

Potential Approach: This section should pull from the No/Low Regrets Action Plan's legislative recommendations and summary. It will discuss recent legislation in support of CWP water values and goals. In addition, it will highlight the level of support for new legislative concepts and from where the concepts emerged. Every recommendation should come from BRT, IBCC, and stakeholder involvement.

Supporting Information: No/Low Regrets Document, Basin Implementation Plans, BRT agriculture policy document, information from the Interim Water Committee, Colorado Water Congress, and the Colorado Water Bar

Staff Support: CWCB Staff, EDO Staff

8. Process for Plan Update

Objective: Indicate that the CWP is a living document that will need periodic updates.

Potential Approach: Write a brief section describing the process for and timing of future updates.

Supporting Information: Executive Order, CWP presentations

Colorado's Water Plan - Input Received between 09/20/13 and 11/07/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review	Staff Responses and Recommendations
9/20/13	Northwest Council of Governments Water Quality/Water Quantity Committee	Email to CWCB Director James Eklund, forwarded to Kate McIntire, CWCB Public Outreach	1, 3, 4, 5, general	Comments requesting that local governments be included in the CWP process as essential stakeholders	Text within email; Grand Valley's Principles for the Colorado Water Plan; Draft Colorado's Water Plan West Slope Basin Roundtable Position Statement - New Supply Projects dated September 6, 2013	West Slope principles for Colorado's Water Plan was presented at the Colorado Basin Roundtable and incorporated into their draft white paper for inclusion into their Basin Implementation Plan.
9/25/13	Northwest Council of Governments Water Quality/Water Quantity Committee	Email to CWCB Board Member Russell George, forwarded to Kate McIntire, CWCB Public Outreach	1, 3, 4, 5, general	Suggested edits to several sections of the CWP Framework, general comments requesting that local governments be included in the CWP process as essential stakeholders	CWP Framework with suggested QQ edits; West Slope Principles for the Colorado Water Plan	Much of the comments provided were incorporated into the annotated Framework, such as the inclusion of reuse, environmental projects and methods, further description regarding permitting, and the inclusion of local governments.
10/8/13	Participants, Sustaining CO's Watershed Workshop: Participating in Colorado's Water Plan on 10/08/13	Hand-written comments submitted at workshop. The comments were compiled into one document that is color coded to show who submitted each comment and thus only listed in this spreadsheet once.	5.3, 5.4, 5.8, 5.9, general	Comments related to nonconsumptive goals and measurable outcomes; nonconsumptive identified projects and methods; watershed health/management; and framework on streamlined water project permitting	Worksheet with compiled comments from three participants	Send related content to corresponding Basin Roundtable for consideration in Basin Implementation Plan, add referenced documents to CWP resource list, and modified the title of section 5.9. Comments will be considered for incorporation as these chapters begin to take shape.
10/14/13	Gary Wockner, Save the Poudre	Email to cowaterplan@state.co.us	N/A	General comments	Email with link to: http://savethepoudre.org/documents/STP-State-Water-Plan-Sham-8-20-2013-web.htm	Comment noted and recorded for future consideration.
10/24/13	Northwest Council of Governments Water Quality/Water Quantity Committee	Email to cowaterplan@state.co.us	5.1, 5.3, general	1. Colorado Basin Roundtable comments re: No/Low Regrets Action Plan; 2. West Slope Principles for Colorado's Water Plan (amended); 3. List of relevant watershed and planning documents that address watershed and land use in the headwaters region	1. Colorado Basin Roundtable comments re: No/Low Regrets Action Plan; 2. West Slope Principles for Colorado's Water Plan (amended); 3. List of relevant watershed and planning docs that address watershed and land use in the headwaters region	1. Colorado Basin Roundtable comments were considered by the IBCC and incorporated into the most recent draft. 2. West Slope principles for Colorado's Water Plan was presented at the Colorado Basin Roundtable and incorporated into their draft white paper for inclusion into their Basin Implementation Plan, 3. The list of planning documents was passed onto the relevant roundtables and their contractors for inclusion into their BIPs.
10/30/13	Northwest Council of Governments	Email to Jacob Bornstein, CWCB Program Mgr; forwarded to cowaterplan@state.co.us	5.9	Comments regarding streamlined permitting from the nonconsumptive community	Research paper entitled: The Colorado, USA, Joint Review Process: an Initial Evaluation of Its Success as a Permit Reform by Key Participants, Thomas J. Gallagher, 1987	The research paper will be utilized to inform section 5.9.
11/6/13	Charles Howe	Email to cowaterplan@state.co.us	1, 5.6	Comments regarding water markets	Text within email only	Response to Charles Howe as follows: The intention of Colorado's Water Plan is not to institute "undue legal and cultural restrictions", but rather to provide additional options and incentives to agricultural producers so that the market will be structured to support the viability of Colorado's critical agricultural economy.
11/7/13	Steve Glazer	Email to cowaterplan@state.co.us	5.11, 7	Comments regarding water quality	Text within email only	These comments will be considered during the course of developing the related sections.
11/7/13	Several non-governmental conservation, community, recreation and sportsmen organizations: American Whitewater, American Rivers, Conservation Colorado, Environmental Defense Fund, High Country Citizens' Alliance, Theodore Roosevelt Conservation Partnership, Western Resource Advocates	Email to cowaterplan@state.co.us	5, general	Comments regarding the importance of environment and recreation; the document lays out several principles in support of these values	Document titled Conservation Position and Principles for Colorado's Water Plan	Many elements in the document are already part of the Annotated Framework or the IBCC's work including the No/Low Regrets Action Plan and path forward on new supply. Additional items will be part of considerations during development of Colorado's Water Plan. The document will be forwarded to the Basin Roundtables.
11/7/13	Northwest Council of Governments Water Quality/Water Quantity Committee	Email to Kate McIntire, forwarded to cowaterplan@state.co.us	general	Revised West Slope Principles document including a cover letter and updated list of jurisdictions endorsing document	Revised West Slope Principles document including a cover letter and updated list of jurisdictions endorsing document	Revised West Slope principles for Colorado's Water Plan will be presented to the Colorado Basin Roundtable and incorporated into their draft white paper for inclusion into their Basin Implementation Plan.

Colorado Water Plan – Documentation of Input Received on 09/20/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
9/20/13	Northwest Council of Governments Water Quality/Water Quantity Committee	Email to CWCB Director James Eklund, forwarded to Kate McIntire, CWCB Public Outreach	1, 3, 4, 5, general	Comments requesting that local governments be included in the CWP process as essential stakeholders	Text within email; Grand Valley's Principles for the Colorado Water Plan; Draft Colorado's Water Plan West Slope Basin Roundtable Position Statement - New Supply Projects dated September 6, 2013

Begin forwarded message:

From: Mary Keyes <
To: James Ecklund <
Subject: West Slope Principles for Colorado Water Plan

Dear James.

Thank you for your thoughtful response. The devastation from the floods must be harrowing for you and the Governor. Our thoughts and prayers are with the affected communities, and many of our members have sent staff to the front range to lend aid in the recovery. We have shared your email with the Board members who met with you, and they asked that we respond to you on their behalf. You may recall that QQ members are elected and appointed officials from Park, Gunnison, Grand, Eagle, Pitkin, Routt, and Summit Counties, and districts and municipal governments in those counties.

With respect to the Principles, they were developed by QQ members to memorialize common goals for the Colorado Water Plan process, and the elected bodies in individual jurisdictions are adopting them now. The Principles were prompted by concerns that arose after a presentation from Becky Mitchell soliciting input to the Colorado Water Plan, by the draft Framework Document, and by statements and white papers promulgated by front range water interests. The QQ board decided that it was necessary that its own concerns about the Colorado Water Plan process be shared as early as possible. QQ officials expressed these same concerns and ideas about the water planning process when they met with you.

QQ officials do not want to draw a line in the sand, but rather, make their views about the planning effort known. Additionally, the Principles address some proposals that already have been presented by front range roundtables and IBCC representatives, such as changes to the status of RICDs and new water supply projects. QQ member jurisdictions are among the most experienced group in the state at dealing with the water diversions and their impacts, and forging cooperative efforts beginning as far back as the early years of the 20th Century. Green Mountain Reservoir, Windy Gap, Clinton Reservoir, the Centennial District Project in Park County, Ruedi Reservoir and Wolford Mountain Reservoir are among the more noteworthy examples. In addition, QQ members initiated and negotiated the Eagle County MOU and the Colorado River Cooperative Agreement, which are both heralded as exemplary approaches to water planning. The Principles were developed with all of this experience in mind.

We are working with your staff to schedule another meeting with you and QQ members before

the end of the year, and would gladly discuss the Principles further. In the meantime, our members are anxious for the CWCB to have the benefit of the Principles as they carry out the CWP process so they will send a copy to our CWCB representatives.

Thank you,

Barbara Green and Torie Jarvis

for

NWCCOG QQ Committee

Sullivan Green Seavy LLC
3223 Arapahoe Avenue, Suite 300
Boulder, CO 80303

1580 Logan, Room 200

Denver, CO 80203

2 attachments

Grand Valley Principles for the CWP.pdf
32K

CRD-WSlope Principles Sep 6 2013 Circulation Draft.pdf
44K

Grand Valley's Principles for the Colorado State Water Plan

Numerous studies of the Colorado River Basin have identified four broad categories of beneficial use for water: municipal and industrial, agricultural, recreational, and environmental. Further, these studies indicate that a significant gap exists between future water availability and the demand for water to meet our needs in these four areas. Additional water demands for municipal and industrial use have been more thoroughly studied, while the needs for additional water to meet recreational and environmental needs are less understood. No real consideration of the existence of a gap in agricultural use of water has been studied. Since the vast majority of the state's water supply is currently used to meet agricultural demands this use is currently being used as a source for closing the gap for municipal and industrial use. This practice of buy and dry is found to be unacceptable by everyone in the water community.

The availability of water in the Colorado River system to meet future needs is controversial at best. A recent study conducted for the Colorado Water Conservation Board estimates there is anywhere from 0-800,000 acre feet of water left available for future diversions and storage. Under our Colorado River Compact obligations the state may well be legally entitled to additional water but there remains considerable doubt as to whether or not additional use will hinder our ability to meet our compact obligations to downstream states. Additionally, trans-mountain diversions and additional storage high up in the headwaters region have detrimental impacts on water quality dramatically increasing the cost of providing water for downstream communities and agriculture such as those located in the Grand Valley.

The impact of climate change on the Colorado River Basin only adds to the uncertainty about our water future. Various studies may differ on the amount of precipitation that will occur in the headwaters but there does seem to be a general consensus that future precipitation will include less snow and more rain with earlier and faster spring runoffs. Increased future water use by Coloradoans along with the requirements to meet our obligations under compacts with downstream states heightens the problems caused by climate change in meeting our future water needs.

The anticipated increased scarcity of available water has led to efforts to ensure an equitable distribution of water across the various categories of beneficial use. Currently, water is allocated through a quasi-free market system based on prior appropriation and beneficial use. There is some support from members of the water community for a Colorado Trust Initiative that would overturn existing water law and eliminate water as a private property right. Additional challenges to existing state water law come from the federal government. The U. S. Forest Service is currently involved in a struggle over water rights with ski areas operating on Forest Service lands that may have significant implications for other water users operating on federal lands.

Finally, in an effort to prepare the state for its uncertain water future, the Governor is directing the Colorado Water Conservation Board to work with the Interbasin Compact Committee and the basin roundtables to develop a draft Colorado Water Plan for review by his office no later than December 10, 2014. This plan is intended to determine the best way to close the gap between future water supplies

and water demand. Currently the gap between the two is estimated to be roughly 500,000 acre feet by 2050. The Colorado Water Plan will build on the work done by the Colorado Water Conservation Board in its Statewide Water Supply Initiative and the effort of the Interbasin Compact Committee and the various Basin Roundtables.

The Colorado Water Plan will attempt to close the anticipated gap between water supply and demand while limiting to the greatest extent possible the loss of irrigated agricultural land. To do this the focus will be on greater water conservation, alternatives to agricultural buy and dry tactics, development of the processes and projects identified in the Statewide Water Supply Initiative, and future water storage projects. The belief is that some combination of these efforts will allow the state to meet its demands for water in 2050. The reality is that each of these approaches rather than closing the gap simply reallocates the gap between the four general categories of beneficial use. The Colorado Water Plan is an effort to find the least objectionable means of re-allocating water between agriculture, municipal and industrial, recreational and environmental uses.

Currently the Interbasin Compact Committee is attempting to develop the No/Low Regrets Action Plan that will identify those compromises designed to help us meet our future water needs that are least objectionable to all elements of our water community. Efforts to pick this low hanging fruit are proving difficult. As growth continues, future compromising required to meet water demand will only become more contentious. There simply is not enough water available in the system to meet all of the demands of proponents for each of the four categories of use. Each iterative round of compromises will leave everyone involved in the discussion less and less satisfied with the results. These trade-offs may help us get to 2050 but without a plan to further augment existing water supplies with water from outside the Colorado River Basin the future of irrigated agriculture, continued recreation and the quality of our environment will be questionable at best

Any responsible state water plan must acknowledge these conditions. The state should continue to work with local communities, water providers, and irrigators in an effort to meet their constituents' demands for water. At the same time it is imperative for state officials to engage officials from the federal government and the other basin states in developing, implementing and paying for an augmentation plan that will meet the future needs of all the states currently dependent on Colorado River water.

It is the belief of the undersigned organizations that any state water plan be designed to achieve the following objectives:

- Protect the cornerstones of our economy which include agriculture, resource extraction, recreation and tourism
- To the fullest extent possible prepare the state for a potential Compact Call
- Protect and improve the health and water quality of our river basins
- Prepare the state for expected impacts from climate change
- Promote and protect our agricultural heritage
- Preserve and promote local control of planning for community development and the associated water needs
- To the fullest extent possible, ensure that federal agencies operate within existing state water law
- Ensure that any future upstream water diversions protect and maintain water quality for downstream users
- Implementation of a long term, regional water augmentation program

To achieve these objectives, the Colorado Water Plan should include the following practices:

- Work with other Colorado Compact states and the federal government on developing, funding and implementing a long term water augmentation program.
- Respect existing local water supply plans, land use plans, water quality plans and other related documents adopted by local governments
- Local government regulatory tools adopted to mitigate impacts of water projects should be recognized and protected
- Promote the use of alternative means to limit the practices of "buy and dry" of agricultural lands
- Promote viable storage or enlargement of in-basin water storage projects
- Encourage agricultural water conservation efforts by allowing net water savings to be marketed independently
- Protect existing state water law
- Avoid state mandates on local government, water providers and irrigators
- Develop a water bank to assist in meeting a compact call
- Promote cooperation and collaboration between local domestic water providers and irrigation companies
- Create economic incentives to promote "green" hydro-electric projects
- Promote river clean-up projects such as desalinization in Glenwood Springs and Dotsero on the Colorado River
- Any inter-basin water project must ensure that the impacts to the basin of origin are either avoided or fully mitigated
- Protect the prior appropriation doctrine
- Protect the important role that senior agricultural water rights play in maintaining a healthy environment, endangered fish flows and in meeting the flows of a 1922 Compact Call. (i.e. Grand Valley senior irrigation water rights)

Acceptance of the Grand Valley's Principles for the Colorado State Water Plan is acknowledged as follows:

CITY OF FRUITA

By: _____

Print Name: _____

Title: _____

Date: _____

CITY OF GRAND JUNCTION

By: _____

Print Name: _____

Title: _____

Date: _____

CLIFTON WATER DISTRICT

By: _____

Print Name: _____

Title: _____

Date: _____

GRAND VALLEY IRRIGATION COMPANY

By: _____

Print Name: _____

Title: _____

Date: _____

GRAND VALLEY WATER USERS ASSOCIATION

By: _____

Print Name: _____

Title: _____

Date: _____

MESA COUNTY IRRIGATION DISTRICT

By: _____

Print Name: _____

Title: _____

Date: _____

ORCHARD MESA IRRIGATION DISTRICT

By: _____

Print Name: _____

Title: _____

Date: _____

PALISADE IRRIGATION DISTRICT

By: _____

Print Name: _____

Title: _____

Date: _____

REDLANDS WATER AND POWER COMPANY

By: _____

Print Name: _____

Title: _____

Date: _____

TOWN OF PALISADE

By: _____

Print Name: _____

Title: _____

Date: _____

UTE WATER CONSERVANCY DISTRICT

By: _____

Print Name: _____

Title: _____

Date: _____

DRAFT

Colorado Water Plan

West Slope Basin Roundtable Position Statement – New Supply Projects

September 6, 2013

Preamble:

The Statewide Water Supply Investigation (2007 SWSI), the Interbasin Compact Committee, and the various Basin Roundtables chartered under HB 1177, have focused a large amount of attention on the so-called "Gap" between available water supplies and projected future water needs. The IBCC and others have identified 4 four legs of the stool that will address the Gap:

- Identified projects and processes (IPP's), existing water supply efforts in various stages of planning and implementation such as Denver's Moffat System Expansion and Northern Water's Windy Gap Firming Project;
- Water Conservation
- Water Reuse
- New supply projects.

"New supply projects" means a new Transmountain Diversion (TMD) from the Colorado River basin, the primary purpose of which is a supply for the Front Range.

The following guidelines should be incorporated into the West Slope Roundtables'[1] Basin Implementation Plans and the Colorado Water Plan (CWP).

Position Statement:

1. The West Slope has negotiated recent agreements that have greatly facilitated development of Denver's Moffat Expansion Project and Northern Water's Windy Gap Firming Project, which are two IPP's. The 1998 Eagle River MOU is a similar negotiated agreement. These negotiations were successful because the agreements represented an overall net benefit to the West Slope. Any future projects must similarly represent a net benefit to the basin of origin. The West Slope intends to negotiate in good faith on potential future cooperative projects, with Denver Water, as contemplated by the Colorado River Cooperative Agreement (CRCA) and with Colorado Springs and Aurora as contemplated by the Eagle River MOU.

[1] Southwest, Gunnison, Colorado, and Yampa/White River Basin Roundtables

2. The West Slope Roundtables recognize and value the importance of Colorado's agricultural economy on a statewide basis. East Slope and West Slope agriculture is vital to both region's economies and cultures and both are equally worthy of preservation.

3. Beyond the possible CRCA and Eagle River MOU cooperative projects mentioned above, the West Slope Basin Roundtables believe it is premature for the Colorado Water Plan to identify, include, or otherwise plan for a large, new TMD from the West Slope to supply the Front Range. The reasons for this include:
    a. Other efforts to address the Gap – water conservation, reuse, reduction of demands through higher density development, maximization of Front Range native water supplies, and completion of other IPP's -- should be pursued first.
    b. Recent studies of large pumpback projects (e.g. Flaming Gorge and Yampa pumpbacks) suggest such projects are financially infeasible, politically divisive, and have immense permitting hurdles.
    c. With respect to the Colorado River Compact, Colorado has not adequately determined the risk of overdevelopment nor determined ways to mitigate the risk of overdevelopment. The initial data suggests that a significant risk is posed to existing post-compact water rights (used on both the West Slope and Front Range) by the development of a new large-scale TMD. Regardless, much more time, work, and public outreach is necessary to address the hydrologic and legal uncertainties related to these issues.
    d. The Gap needs additional study. The data upon which the Gap was determined is stale. Ways to reduce the Gap, such as those identified above in 3.a., need to be prioritized and fully explored.

4. The West Slope Roundtables do not support a state water project or any attempted judicial or legislative "placeholder" water right for a future TMD. A state water right filing threatens the West Slope's ability to secure supplies for its future consumptive and non-consumptive needs. And a state water project poses a threat to local land use permitting authority.

5. The Colorado Water Plan must recognize the present and future demands on Colorado River supplies for West Slope uses, both consumptive and non-consumptive. The West Slope needs to obtain confidence it will be able to develop its native water supplies for its own long-term water needs. Any "placeholder" right or other speculative arrangement presents a significant threat to this principle.

Colorado Water Plan – Documentation of Input Received on 9/25/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
9/25/2013	Northwest Council of Governments Water Quality/Water Quantity Committee	Email to CWCB Board Member Russell George, forwarded to Kate McIntire, CWCB Public Outreach	1, 3, 4, 5, general	Suggested edits to several sections of the CWP Framework, general comments requesting that local governments be included in the CWP process as essential stakeholders	CWP Framework with suggested QQ edits; West Slope Principles for the Colorado Water Plan

STATE OF COLORADO

McIntire - DNR, Kate <kate.mcintire@state.co.us>

Fwd: Colorado Water Plan guidance from headwaters

George, Russell <
To: Kate McIntire - DNR <

Wed, Sep 25, 2013 at 1:18 PM

FYI.

Sent from my iPad

Begin forwarded message:

From: "Torie Jarvis" <
To: "George, Russell" <
Cc: "Barbara Green" <
Subject: Colorado Water Plan guidance from headwaters

Dear Mr. George,
The Northwest Colorado Council of Governments Water Quality and Quantity Committee (QQ) would like to share with you some work we've completed to assist in the Colorado Water Plan development. QQ members include local governments and water and wastewater districts in Grand, Summit, Park, Eagle, Pitkin, and Gunnison counties. Routt County is also a part of this effort. We hope that these documents will be valuable to you in the upcoming CWCB Board Meeting and encourage you to share with any other members you think appropriate.
First, QQ has prepared comments on the Draft Framework for the Colorado Water Plan. Many of the comments reflect the concern that local governments need to be included as essential stakeholders of the Colorado Water Plan process.
Second, elected and appointed officials in QQ have developed a series of principles to help guide the formation of the Colorado Water Plan. These Principles are being adopted by QQ members' individual jurisdictions as we write (a list of QQ members is provided below). We have attached the Principles to this email. The Principles are informed by the experience that these headwaters communities have had over the years facing the impacts of all of the major water diversion projects in the state, and negotiating historic cooperative projects and agreements.
QQ presented these to James Eklund as well and will continue discussing them with CWCB staff. Until then, our QQ members are anxious for you and other CWCB board members to have the benefit of these Principles as you work to carry out the CWP process.
Please don't hesitate to call me or Barbara Green, NWCCOG counsel (303-355-4405 and CC-ed to this email), with any questions.
Thank you for your time and careful consideration.
Sincerely,

Torie Jarvis

4 attachments

CWP Framework QQ edits.sumitted.9.13.docx
22K

ATT00001.htm

1K

20130822 West Slope Principles. Colorado Water Plan.pdf
774K

ATT00002.htm
16K

Addendum to Agenda Item 21: Colorado Water Plan DRAFT Framework

Through the work of the CWCB, the IBCC, and the Basin Roundtables, we know more about Colorado's current and future water needs than ever and we have had a truly comprehensive discussion about our water future. The IBCC concluded that unless we take action, we face a status quo scenario that is not a desirable future for Colorado. This is a turning point in Colorado water history. Leaders from every basin representing all water users and the environment made clear that either Colorado changes the way we do business or we face unacceptable consequences.

Solutions must be found if we are to protect our environment, preserve our agricultural heritage, and enjoy a ~~healthy and robust~~sustainable economy; and because of the work of water leaders from across the state, we have reached a point where a Colorado Water Plan can be developed.

The plan will reflect Colorado's water values: support a productive economy that supports vibrant and sustainable cities, viable and productive agriculture, and a robust skiing, recreation and tourism industry; efficient and effective water infrastructure that promotes smart land use; and a strong environment that includes healthy watersheds, rivers and streams, and wildlife.

Specifically, the Colorado Water Plan will:

- Align state funding and the state's role in water supply and management with the values included in the plan;
- Streamline the state role in the state approval and regulatory process regarding water supply and management while ensuring that the process remains protective of environmental and public health considerations.
- Provide a path to state support of those water supply and management proposals that stress conservation, innovation, collaboration, consent from areas where water will be developed, and other criteria such as promoting smart land use, healthy watersheds, for Colorado's rivers and streams, and smart water conservation and reuse practices that utilize demand-management;
- Be constructed from the bottom-up, incorporating the work of the grassroots IBCC, ~~and~~ Basin Roundtables, and local governments;
- Protect Colorado's ability to use its water from interstate demands;
- Establish a foundation for common-sense changes to the way we manage and transfer our water;
- Respond to the looming gap between supply and future demand~~and~~
- ~~Address our looming gap between supply and demand~~ while minimizing adverse impacts to the economic, environmental, and social well-being of the state by protecting watersheds and minimizing the buy-and-dry of irrigated agriculture.

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In order to achieve these goals, the content of the Colorado Water Plan will be informed by the BRTs, the IBCC, the *ad hoc* panels, ~~and~~ inter-agency and intergovernmental discussions. CWCB staff has generated the following ***draft*** CWP framework to initiate Board discussion and is subject to substantial revision.

Draft Framework Colorado Water Plan

Executive Summary

1. Introduction
   - 1.1. Summary of Colorado water resources and summary of plan (multiple sources)
   - 1.2. Description of State, Local, and Federal entities that are involved in water administration, study, planning and project permitting (state, local, and federal agencies)
   - 1.3. Description of Colorado Water Law & Administration (DWR, AG)
   - 1.4 Inventory of existing local government regulations and plans that bear on water resource development

2. Basins (BRTs)
   - 2.1. Overview of each Basin

3. Water Demand (BRTs, SWSI, ad-hoc panel)
   - 3.1. Consumptive and non-consumptive w~~W~~ater demand by sector and by geographic location.

4. Water Supply (BRTs, SWSI, Drought Task Force)
   - 4.1. Description of historical and projected supply by geographic location.

5. Water Management (multiple sources)
   - 5.1 Watershed health/management.
     - 5.1.1 Inventory existing watershed management efforts and align water plan with those efforts.
     - 5.1.2 Environmental and Recreation Projects
   - 5.2 Conservation and Reuse
     - 5.2.1 M&I Conservation (include to recognize demand hardening)
     - 5.2.2 Ag conservation (recognize headwaters state and return flows issue)
     - 5.2.3 Self-Supplied Industrial (e.g. conservation of mining and energy water use)
     - 5.2.4 State agency conservation (e.g. Parks and Wildlife, Corrections, State Land Board, etc.)
     - ~~5.2.4~~5.2.5 Smart/waterwise land use planning. (identify best practices)

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   - 5.3 Alternative Ag-to-Urban Transfers
   - 5.4 Alternative Headwaters to Front Range transfers
   - 5.4 Infrastructure
     - 5.4.1 Water Supply Projects and Methods, including protection for areas from which water is diverted,
     - 5.4.2. Existing Water Supply O&M
     - 5.4.3 Non-consumptive Projects and Methods
   - 5.5 ~~Watershed Management, Environmental and Recreation Projects~~
   - 5.6 Water Quality – (expand~~utilize~~ QQ group and/or ad hoc group to bring NGO perspectives , local government expertise, and 208 Water Quality Management Planning to bear on the issue)

6. Funding/financing (Power & Water Authority)
   - 6.1. Analysis of the cost to fully implement the CWP.

7. Legislative Recommendations (multiple sources – BRTs, IBCC, ad hoc groups)

7.1. Legislative recommendations to assist in being able to fully implement the CWP.

8. Process for Plan Update (multiple sources)
   8.1. Describing the process for periodic updates to the CWP

West Slope Principles for the Colorado Water Plan

1. **Solutions in the Colorado Water Plan (CWP) to supply water for growth and development in one part of the state should not over-ride land use plans and regulations adopted by local governments in the part of the state from which water will be taken.** [1,2,3,4,5,6,7]

   1.1 No new water supply projects or major changes in operation of existing projects should be planned unless agreed to by the county, conservancy district, and conservation district in the area from which water would be diverted. [1,3,5,6,7]

   1.2 The CWP must take into account pending projects, water supply plans, comprehensive land use plans, local regulatory authority, water quality plans (208 Plans), watershed plans, multi-party water agreements and related documents adopted by local governments in the area from which water would be taken. [1,2,3,4,5,6,7]

   1.3 Both the legislative basis and the legal impact of local government regulatory tools adopted to mitigate impacts of water projects should be recognized and protected. [3,6,7]

   1.4 The CWP should never elevate the agricultural interests in one part of the state over the agricultural interests in another part of the state to meet the demands of Front Range development. Agriculture is an important segment of the state's economy as a whole. Agriculture provides food independence, open space, wildlife habitat, cultural value, and economic activity wherever it is located.

   1.5 Any new supply projects taking water from one area of the state to another should include funding for "compensatory projects" to serve the area from which the water is taken. [7]

2. **The CWP should protect and not threaten the economic, environmental, and social well-being of the west slope.** [1,2,3,5,6]

   2.1 The cornerstones of the west slope's economy are tourism, recreation, agriculture, and resource development, all of which are highly dependent upon water to be successful. The CWP should not facilitate additional diversions that could threaten the region's environmental, social and economic well-being. [1,2,3,6]

   2.2 To educate the public about existing conditions on the west slope, the CWP should identify the location and amounts of water that are already diverted every year from the west slope to the east slope, and discuss the historic and current consequences of those diversions. [1,2,3,6,9]

2.3 The state should not facilitate, politically, financially, or legally, any new water supply projects from the Colorado, Yampa/White or Gunnison River Basins to the Front Range without the consent of the county, conservancy district, and conservation district in the basin of origin, and unless impacts are avoided and mitigation is provided. [1,2,3,6 7]

2.4 New supply projects that involve storage on the west slope must make a significant amount of water available to west slope water uses. New supply projects that involve storage of west slope water in an east slope storage project must provide compensatory storage to protect existing and future west slope water uses, as well as the environmental and non-consumptive needs of the basin of origin. [7]

2.5 The CWP must protect investments in public water and wastewater facilities by ensuring that costs to upgrade and operate these facilities do not increase because of Front Range water projects.[5]

2.6 The CWP must afford recreational in-channel diversions and CWCB instream flows the same status as other water rights that are protected under Colorado law. [3,6] Other west slope non-consumptive water needs must be factored into the CWP.

2.7 Water quality protection efforts of the west slope must be respected and enhanced by the CWP. [4,5,6]

2.8 The historic use of west slope agricultural water rights provides a river flow regime that is relied upon by all west slope users and must be maintained. [8]

3. **The CWP should identify a process and requirements for each basin to exhaust available water supply within its own basin before planning diversions from another area of the state.** [1,2,3,7]

3.1 Transmountain diversion water should be re-used to extinction to the extent allowed by law, before any proposed new supply development focuses on further west slope water supply. [1,2,3,6,7]

3.2 Re-allocation of existing supplies in areas that need more water should be evaluated (e.g. rotational fallowing, changing to new uses, deficit irrigation).[1,3,6,7]

3.3 Front range infrastructure and water should be shared to meet future demands (e.g. WISE). Laws and regulations that improve such sharing should be considered.

3.4 New Front Range in-basin projects should be pursued to fully utilize in-basin supplies (e.g. Chatfield Reallocation, SDS, Arkansas Conduit, indirect and direct

re-use, gravel pit storage projects), including maintaining and enhancing existing storage facilities. The CWP should encourage and facilitate dredging to keep capacity, and streamline efforts to enlarge storage by dredging when practical.[3,6]

3.5 The CWP should promote mechanisms to reduce demand through agricultural or municipal efficiency/conservation, land use and smart growth policies that further water conservation, and controls on water usage. [3,6,7] Under no circumstances should agriculture be penalized for switching to more efficient water use methods.

3.6 The CWP should reject proposals for water to supply new development when and where there are insufficient water resources available to support them under all hydrologic conditions without creating risks for other water users. [1,3,6,7] Any new supply projects that rely on diversions from the west slope should be developed within the existing water rights system and not afforded special status.

3.7 Front Range areas with present and future projected water shortages should pursue collectively financing projects that provide water resources to their areas.

4. **The CWP should outline mechanisms to mitigate the risk of potential Compact curtailment of the Colorado River. For example, the CWP should adopt low-risk legal and hydrologic assumptions related to Colorado's obligations under the Colorado River Compact and the Upper Colorado River Basin Compact in order to minimize the risk of curtailment on existing uses of Colorado River basin water.[7]**

4.1 There is disagreement on how much, if any, additional consumptive use water is available from the Colorado River. Because of justifiable reliance and financial investment, existing uses and users should be protected and not put at risk by new development.

4.2 The facilities and methodologies for protecting existing users from a compact curtailment, as well as for mitigation, must be in place prior to any new project or methodology that would take additional water out of the Colorado River Basin.

4.3 The CWP must disclose that fully developing the state's Colorado River compact entitlement will increase the chance of a compact curtailment that would impact existing users.

4.4 New projects in the Colorado River Basin should be supported and approved, if at all, only on conditions that will allow diversion and storage at times and in amounts that will not increase the risk of compact curtailment of other post-Compact water rights.

5. **The State should not assume a role as a proponent of a water project until the State regulatory process has been completed and the project has been agreed to by the impacted counties, conservancy districts and conservation districts in the area from which water would be diverted.**

The above principles are taken from many sources of earlier water principles around the state. The numbers in the above principles indicate in which documents a similar principle may be found, including:

[1] Colorado 58 *Water Principles*. In approximately 1999, 58 Colorado Counties, signed onto these Water Principles, which were passed as a House Resolution as well.

[2] Colorado River Water Conservation District Policy Statement: Existing Transmountain Diversions, Adopted July 15, 2008, readopted July 2011. http://www.crwcd.org/media/uploads/20110719-policies_TMD_Existing_Projects.pdf

[3] Colorado River Water Conservation District Policy Statement: Transmountain Diversions, adopted March 16, 2000, revised and readopted July 2011. http://www.crwcd.org/media/uploads/20110719-policies_TMDs.pdf

[4] Colorado River Water Conservation District Policy Statement: Water Quality, adopted July 2010. http://www.crwcd.org/media/uploads/20100720_policy_water_quality.pdf

[5] NWCCOG Water Quality/ Quantity Committee Policies, readopted November 2012.

[6] 2012 NWCCOG Regional Water Quality Management Plan (208 Plan). http://nwccog.org/docs/wss/rwqmp_2012/Vol%201_Policy%20Plan%202012%20208%20Plan.pdf

[7] Colorado Basin Roundtable Vision Statement (Nov. 2010).

[8] Orchard Mesa Check Case, 91CW247, Water Division No. 5.

[9] i.e. Senate Document No. 80, Windy Gap Project, Windy Gap Firming Project, Colorado River Cooperative Agreement

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Eagle County
Sara Fisher, Eagle County Commissioner
Jill Ryan, Eagle County Commissioner
Kathy Chandler-Henry, Eagle County Commissioner

Grand County
James Newberry, Grand County Commissioner
Merrit Linke, Grand County Commissioner
Gary Bumgarner, Grand County Commissioner

Gunnison County
Paula Swenson, Gunnison County Commissioner
Jonathan Houck, Gunnison County Commissioner
Phil Chamberland, Gunnison County Commissioner

Pitkin County
Rob Ittner, Pitkin County Commissioner
Rachel Richards, Pitkin County Commissioner
Michael Owsley, Pitkin County Commissioner
Steve Child, Pitkin County Commissioner
George Newman, Pitkin County Commissioner

Park County
Loren Grosskopf, Park County Commissioner
Joe Tilden, Park County Commissioner
Tim A. French, Park County Commissioner
Bucky Hall, Park County Commissioner
Lee Livingston, Park County Commissioner

Routt County
Tim Corrigan, Routt County Commissioner
Douglas B. Monger, Routt County Commissioner
Steven K. Ivancie, Routt County Commissioner

Summit County
Thomas Davidson, Summit County Commissioner
Karn Stiegelmeier, Summit County Commissioner
Dan Gibbs, Summit County Commissioner

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Breckenridge
John Warner, Mayor
Ben Brewer, Council Member
Mike Dudick, Council Member
Jen McAtamney, Council Member
Wendy Wolfe, Council Member
Mark Burke, Council Member
Gary Gallagher, Council Member

Town of Crested Butte
Aaron Huckstep, Mayor
David Owen, Council Member
Shaun Matusewicz, Council Member
Jim Schmidt, Council Member
John Wirsing, Council Member
Roland Mason, Council Member
Glenn Michel, Council Member

Town of Dillon
Ronald J. Holland, Mayor
Kevin Burns, Council Member
Erik Jacobsen, Council Member
Terry King, Council Member
Mark Nickel, Council Member
R. Louis Skowyra III, Council Member
Tim Westerberg, Council Member

Town of Frisco
Gary Wilkinson, Mayor
Kent Willis, Council Member
Woody Van Gundy, Council Member
Kim Cancelosi, Council Member
Larry Sawye, Council Member
Kathleen Bartz, Council Member
Tom Connolly, Council Member

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Fraser
Peggy Smith, Mayor
Steve Sumrall, Trustee
Eileen Waldow, Trustee
PHilip Naill, Trustee
Cheri Sanders, Trustee
Vesta Shapiro, Trustee
Adam Cwiklin, Trustee

Town of Grand Lake
Judy M. Burke, Mayor,
Jim Peterson, Trustee
Benton Johnson, Trustee
Elmer Lanzi, Trustee
Kathy Lewis, Trustee
Tom Ludwig, Trustee
Tom Weydert, Trustee

Town of Gypsum (with exceptions)
Steve Carver, Mayor
Tom Edwards, Council Member
Gary Lebo, Council Member
Pam Schultz, Council Member
Richard Mayne, Council Member
Beric Christiansen, Council Member
Tim McMichael, Council Member

Town of Kremmling
Tom Clark, Mayor
Grant Burger III, Council Member
Scott Crandall, Council Member
Casey Curran, Council Member
Wes Howell, Council Member
Mark Mahomey, Council Member
Gina Schroeder, Council Member

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Silverthorne
Dave Koop, Mayor
Bruce Butler, , Council Member
Dave Anderson, Council Member
Derrick Fowler, Council Member
David Preaus, Council Member
Ann-Marie Sandquist, Council Member
Stuart Richardson, Council Member

Town of Yampa
Tom Yackey, Trustee
Brian Ashley, Trustee
Jeff Drust, Trustee
Stephanie Hayden, Trustee
Mike Lewis, Trustee
Tom Estes, Trustee

Copper Mountain Consolidated Metropolitan District
Tom Malmgren, President,
Karl Anuta, Board of Directors
Bob Bloch, Board of Directors
Ben Broughton, Board of Directors
Dave Steele, Board of Directors

Middle Park Water Conservancy District
Duane Scholl, President
Jim Lenzotti, Secretary:
Jack Buchheister, Treasurer
Michael Eytel, Member
Peg Toft, Member
Sean Flanigan, Member
Tom Long, Member

Colorado Basin Roundtable - *See attached* Colorado Basin Membership List

Colorado Basin Membership List

Agricultural Representative	Melvin	Rettig	mmrettig@bigdoghsi.com
At-Large Representative	Kim	Albertson	lyrad41@aol.com
At-Large Representative	Thomas	Clark	mayor@townofkremmling.org
At-Large Representative	Duane	Scholl	
At-Large Representative	Dale	Tooker	dtooker@cliftonwaterdistrict.org
Basalt Water Conservancy District	Art	Bowles	bowles563@comcast.net
BLM(liaison)	Paula	Belcher	paula_belcher@blm.gov
Bluestone Water Conservancy District	Clay	Altenbern	
BOR (liaison)	Dan	Crabtree	dcrabtree@uc.usbr.gov
BOR (liaison)	Jaci	Gould	jgould@gp.usbr.gov
BOR (liaison)	Brent	Ullenberg	bullenberg@uc.usbr.gov
BOR(liaison)	Ed	Warner	ewarner@uc.usbr.gov
CO. River Water Conservation District	Jim	Pokrandt	jpokrandt@crwcd.org
CO. Water Quality Control Division(liaison)	Bonie	Pate	bonie.pate@state.co.us
Collbran Water Conservancy District	Carlyle	Currier	cwcranch@aol.com
Colorado - CWCB Member	Russell	George	russgeorge11@hotmail.com
Colorado Geological Survey(liaison)	Peter	Barkmann	peter.barkmann@state.co.us
CSU Extension Service (liaison)	Rod	Sharp	rod.sharp@colostate.edu
Division of Wildlife(liaison)	David	Graf	david.graf@state.co.us
Division of Wildlife(liaison)	Jay	Skinner	jay.skinner@state.co.us
Eagle County	Caroline	Bradford	carolinebradford@wildblue.net
Elected Official	David	Merritt	DavidHMerritt@aol.com
Environmental Representative	Ken	Neubecker	eagleriver@sopris.net
Fish and Wildlife Service (liaison)	Patty	Schrader Gelatt	patty_schradergelatt@fws.gov
Forest Service (liaison)	Linda	Bledsoe	lbledsoe@fs.fed.us
Garfield County	Louis	Meyer	louism@sgm-inc.com
Garfield Muni	Karl	Hanlon	kjh@lklawfirm.com
Grand County	Lurline	Curran	lcurran@co.grand.co.us
Grand Muni	Bruce	Hutchins	bhutchins@gcws1.com
Gunnison County	Eli	Beeding	ellbeeding@aol.com
Industrial Representative	James	Carter	jcarter@gjplpe.com
Legislative Appointment	Mark	Fuller	fulcon@comcast.net
Mesa County	Richard	Proctor	gvwua1147@aol.com
Mesa Muni	Greg	Trainor	gregt@gjcity.org
Middle Park Water Conservancy District	Stanley	Cazier	cazier_mcgowan@hotmail.com
Non Voting Member	Wayne	Vanderschuere	wvanderschuere@csu.org
Non Voting Member	Jacob	Bornstein	jacob.bornstein@state.co.us
Non-Voting At Large Member	Ken	Baker	Consultant@uawcd.com
Non-Voting At Large Member	William	Bates	bill.bates@denverwater.org
Non-Voting At Large Member	Don	Carlson	dcarlson@ncwcd.org
Non-Voting At Large Member	Phil	Overeynder	philo@ci.aspen.co.us
Non-Voting At Large Member	Ken	Ransford	kenransford@comcast.net
Southeastern Colorado Water Conservancy	James	Broderick	jwb@secwcd.com
Summit County	Karn	Stiegelmeier	karns@co.summit.co.us
Summit Muni	Lane	Wyatt	qqlane@nwc.cog.co.us
Ute Water Conservancy District	Steve	Ryken	sryken@utewater.org
West Divide Water Conservancy District	Ed	Olszewski	edolszewski@comcast.net

Colorado Water Plan – Documentation of Input Received on 10/08/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
10/8/2013	Participants, Sustaining CO's Watershed Workshop: Participating in Colorado's Water Plan on 10/08/13	Hand-written comments submitted at workshop. The comments were compiled into one document that is color coded to show who submitted each comment and thus only listed in this spreadsheet once.	5.3, 5.4, 5.8, 5.9, general	Comments related to nonconsumptive goals and measurable outcomes; nonconsumptive identified projects and methods; watershed health/management; and framework on streamlined water project permitting	Worksheet with compiled comments from three participants

Sustaining Colorado's Watersheds Conference
October 8, 2013

Workshop: Participating in Colorado's Water Plan

Throughout the above Conference, comments were provided by three of the attendees on the subjects provided below. Their comments have been included in this document and are associated to each person by color according to the following:
Holly Loff, ERWC,
Barbara Green, Sullivan Green Seavy for NWCCOG,

Katharine Teteu,

Please use this form to provide input on Colorado's Water Plan. You can also access this form online beginning November 1, 2013 at www.coloradowaterplan.com.

You can also send your comments directly to cowaterplan@state.co.us. We appreciate your participation in the development of Colorado's Water Plan.

A. Nonconsumptive Goals and Measurable Outcomes

- Several potential goals and measurable outcomes were included in the Nonconsumptive Toolbox.
- Please provide input on additional goals and measurable outcomes.
- We also encourage you to work with Basin Roundtables to identify goals and measurable outcomes for nonconsumptive needs in their Basin Implementation Plans.
- Input on this item will also inform section 5.2 Meeting Consumptive & Nonconsumptive Gaps in the CWP Annotated Framework.

Would like to see an outcome (or outcomes) that look at data
Ex. Figure 4 (pg. 10 in the Toolbox), for each basin (or even watershed)
Ex. Direct protections for native trout on 28% of statewide streams
-would like to take a look at that on a basin basis and set a goal of _%
Maintain or restore streambeds & adjacent riparian areas to support self regulation of parameters critical to aquatic life designated in that reach by water quality standards
-Eg. Temperature, depth of flow, breeding pools, water quality

B. Nonconsumptive Identified Projects and Methods

- In 2010 we identified thousands of existing and planned environmental and recreational projects and methods.
- About half of the nonconsumptive focus area streams have planned or existing protections.
- To help us update this information, please identify additional planned nonconsumptive projects.
- Input on this item will also inform section 5.7 Environmental & Recreational Projects and Methods.
- Restoration work upstream from Minturn from Eagle Mine Superfund Site?
- The entire Upper Colorado as it flows through Eagle county is being studied (inventory/assessment) by Eagle River Watershed Council & CSU w/ projects identified by April 2014
- Gore Creek WQ Improvement Plan was just drafted, projects will come from that
- USFS and ERWC are doing projects on Red Dirt Creek & Red Sandstone
- A Large Stakeholder group (led by NFF) is beginning a long project on the Eagle River as it flows through Camp Hale (the headwaters)

Where do RICDs fit in?

Need to look at flows needed to treat wastewater

As streams are reduced, discharges on West Slope bump up against permit limits

Need to reach out to foundations and entities engaged in water quality improvement projects to help identify more projects

-South Platte River Urban Waters Partnership just completed an initial inventory among 20 partners

-Contact Tami Anderson @ CDPHE WQCD for more info.

C. Watershed Health/Management

- CWP will draw from Basin Implementation Plans
- Tremendous opportunity for multi-purpose projects that protect critical infrastructure, water quality, human health and safety, and the environment.
- Inform us of existing watershed management plans that identify critical watersheds and management actions.
- Input on this item will also inform section 5.3 Watershed Health/Management.

Eagle River Watershed Plan was adopted by Eagle County in May 2013

-municipalities of Eagle County are reviewing it now.

-ERWP was written by ERWC and Eagle County

Available on ERWC and county websites

Colorado River Restoration and Conservation Projects will release the Upper Colo. River Inventory & Assessment in Spring 2014

(CWCB Funded, so we will have Plan/Project Info.)

-Many projects will be identified and implemented in the next few years

Consider looking at:

-NWCCOG "208" Water Quality Management Plan

-UPCU Upper Colorado Study

-Grand County Stream Management Plan

(will send Jacob Bornstein and Kate McIntire links to more plans)

-County and muni. Plans

Partners like the South Platte Urban Water Partnership are key members of the water Community

-Would benefit the process

-Would be benefitted by outreach from CWCB

D. Framework on Streamlined Water Project Permitting Processes

- Fine tune permitting process so that decisions are made more quickly, while not determining whether a water project will be successful or not.
- Tell us your thoughts on how we can do this without undermining environmental protections.
- Input on this item will also inform section 5.8 Streamlined Water Project Permitting Processes.

Sullivan Green Seavy for NWCCOG very concerned by this

-Concerns stem from DNR going to DC regarding the Moffat WGFP

-Agreements w/ DW completely does not address mitigation and the Grand Country prelim. of CRCA expressly says so

-Would like an opportunity to discuss issue in depth with CWCB

-Best way to streamline is to satisfy local socio economic and environmental concerns first, then work w/ state & fed. regulations

(Sullivan Green Seavy wants to discuss ideas, 'trust building is key')

-State should facilitate early discussions of project proponent and affected end users

(Sullivan Green wants to help develop this idea)

Fine tuning is great if information about impacts is readily available

-Bringing together information by water suppliers w/ impacts & NCU focus areas before decisions are made is important to success

-include this information in the permitting process

Colorado Water Plan – Documentation of Input Received on 10/14/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
10/14/2013	Gary Wockner, Save the Poudre	Email to cowaterplan@state.co.u	N/A	General comments	Email with link to: http://savethepoudre.org/documents/STP-State-Water-Plan-Sham-8-20-2013-web.htm

STATE OF COLORADO

McIntire - DNR, Kate <kate.mcintire@state.co.us>

Comments on CWCB's Colorado Water Plan

Gary Wockner < > Mon, Oct 14, 2013 at 12:32 PM
To: cowaterplan@state.co.us

Dear CWCB,

Director George has an editorial in the Sentinel asking for comment. Here's some comment:
http://savethepoudre.org/documents/STP-State-Water-Plan-Sham-8-20-2013-web.htm

Thank you,

Gary

–
Gary Wockner, PhD, Director Save The Poudre: Poudre Waterkeeper
Fort Collins, Colorado
http://savethepoudre.org
http://www.facebook.com/SaveThePoudre
https://twitter.com/savethepoudre
970-218-8310

Colorado Water Plan – Documentation of Input Received on 10/24/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
10/24/13	Northwest Council of Governments Water Quality/Water Quantity Committee	Email to cowaterplan@state.co.us	5.1, 5.3, general	1. Colorado Basin Roundtable comments re: No/Low Regrets Action Plan; 2. West Slope Principles for Colorado's Water Plan (amended); 3. List of relevant watershed and planning documents that address watershed and land use in the headwaters region	1. Colorado Basin Roundtable comments re: No/Low Regrets Action Plan; 2. West Slope Principles for Colorado's Water Plan (amended); 3. List of relevant watershed and planning docs that address watershed and land use in the headwaters region

STATE OF COLORADO

McIntire - DNR, Kate <kate.mcintire@state.co.us>

NWCCOG QQ documents re: Colorado Water Plan

Mary Keyes < Thu, Oct 24, 2013 at 9:23 AM
To: cowaterplan@state.co.us
Cc: Jacob Bornstein - DNR <jacob.bornstein@state.co.us>, Kate McIntire - DNR <kate.mcintire@state.co.us>, Barbara Green < ', Lane Wyatt < Torie Jarvis <

Northwest Colorado Council of Governments Water Quality/Water Quantity Committee offers the following documents for consideration in the Colorado Water Plan process:

1. Colorado Basin Roundtable comments re: No/Low Regrets Action Plan
2. West Slope Principles for the Colorado Water Plan
3. List of the relevant watershed and planning documents that address watershed and land use in the headwaters region

Mary Keyes
Sullivan Green Seavy LLC

direct:

3 attachments

West Slope Principles for Colorado Water Plan.pdf
393K

ColoRoundtable Response NoLow 8 2 2013.pdf
143K

20131021 Headwaters Documents List.docx
33K

THE COLORADO BASIN ROUNDTABLE

C/O P.O. BOX 1120
GLENWOOD SPRINGS, COLORADO
81602

Date: August 1, 2013
TO: Interbasin Compact Committee (IBCC):
RE: Comments on August 2013 Draft of No/Low Regrets Action Plan(s)

This letter has is being submitted on behalf of the Colorado River Basin Roundtable (CBRT) regarding the "No/Low Regrets Action Plan" prepared for the Colorado Interbasin Compact Committee (IBCC). These comments are based on the revised version of the document that is dated August 2013. We appreciate how well the CWCB staff revised this document based on comments.

The comments are broken into general comments and then more specific comments on the four No/Low Regrets Action Plans. The CBRT has not yet reviewed the High Success Rate for IPPs, Implement and Assess Storage and Other Infrastructure, or Implement Re-Use Strategies elements of the Action Plan. We hope to provide comments on those elements at a later date. While the Action Plan as is useful planning for meeting projected future water supply shortfall, we think that refinements such as those outlined below will help with stakeholder buy-in.

A. General Concerns

1. The No/Low Regrets Action Plan Does Not Yet Represent Statewide Priorities. The Action Plan should be used as a preliminary or minimum approach to address issues until each basin roundtable's priorities are identified in their Basin Implementation Plans. Since the document does not reflect consensus among stakeholders, our concern is that it not be used to "trump" the legitimate concerns of the roundtables as the Colorado Water Plan incorporates and synthesizes the Basin Implementation Plans it will be receiving.

2. The New Supply Action Plan Should be Developed in Concert with Basins of Origin.

a. The New Supply Action Plan as written essentially is a proposal for how to develop new transmountain water projects. While not closing the door to discussions of these projects, we suggest that prior to including New Supply as a No/Low Regret element, there should be regionally focused discussions to explore other sources of new supply to meet future Front Range water needs. The assumptions driving those needs also should be thoroughly evaluated, the location and timing of Front Range needs should be identified, and growth projections should be refined.

b. The purpose of the Colorado Water Plan is to develop a series of consensus-based implementation strategies to meet statewide water needs. By including New Supply as a no/low regrets strategy without an intense dialogue with local government policy-makers in the basins of origin, the IBCC would be unilaterally adopting a strategy that effectively elevates growth in the Metro area over the future of those regions that attract people to Colorado from all over the world.

c. Without sufficient input from county and municipal governments in basins of origin, we risk dismissing or superseding locally enacted master plans and land-use regulations in order to expedite Front Range water supply planning efforts. This outcome is contrary to the widely held belief in local control that forms the backdrop for so much of Colorado's law and policy.

d. To be successful in the 21st century, multi-use projects must be developed from the ground up, taking into account the competing values of affected parties and adhering to common principles. No/low regrets should include a discussion of how this would be accomplished. The consumptive and non-consumptive needs, and the community goals and values in basins of origin, must be defined and discussed before the IBCC endorses any strategies for new transmountain diversion projects.

e. Discussions of any new supply on the Colorado River basin have to take place through the lens of the past and ongoing degradation of the aquatic environment, especially in the headwater counties, associated with impacts from transmountain diversions that were developed without mitigation.

d. New supply projects have to do more than simply meet environmental and recreational needs in the basin of origin. Agricultural needs and socio-economic needs must also be factored into discussions of any projects.

3. **Elements of the Action Plan are Inconsistent**. There are inconsistencies among elements of the action plan that point to a need to better integrate plan elements in recognition of the interconnected nature of the action plans. For example, the New Supply Plan describes "voluntary demand reductions" (page 19) whereas the Conservation Plan identifies prescriptive methods that may require state support, including legislation, to achieve even the low conservation strategy goals. The Plan should support mandatory demand reductions when discussing new supply development.

B. Specific Concerns

Part 1: Minimize Statewide Agricultural Acres Transferred

a. We support enhancing opportunities for farmers and ranchers who wish to derive economic benefit from their water rights without having to cease

agricultural operations. Short-term leases and other methods *within the bounds of Colorado water law* are important tools.

b. We are concerned that the discussion of agricultural transfers is too focused on studies and pilot projects on the Eastern Plains. Diversions to the Front Range historically have resulted in loss of productive agricultural lands through the practice of "buy and dry." We think that the discussion of alternative transfer methods has to be expanded to discuss the loss of agricultural lands in headwater areas and the West Slope associated with transmountain diversions.

2. **New Supply, Section 1: Address Environmental and Recreational Needs**

a. This section indicates a preference to avoid only impacts in areas with "high value" environmental and recreational attributes. This raises a few important points. First, values have to be identified by key stakeholders, especially local governments and other in-basin stakeholders who have to live with the effects of degraded environmental and recreational resources. Second, even within a "high value" area, the No/Low Regrets plan proposes a multi-purpose project. This contradicts other parts of the document that raise the possibility that there may be areas of the state that are "off limits" for future water development. Just because a project has multiple purposes does not necessarily make development appropriate in a high value area. Finally, a plan that is truly interested in the state as a whole must set out a process for identifying high value areas, and the criteria that must be satisfied *before* a project could ever be located in a high value area.

b. The basin roundtables may be useful to coordinate information on critical habitats, but the delineation must begin with existing mapping and planning that has been conducted at the county level. Currently, many local governments around the state have worked with Colorado Parks and Wildlife to identify critical wildlife habitat and have adopted regulatory criteria to protect such habitat from growth and development. These efforts should be discussed in the No/Low Regrets plan and not overridden by the proposed "attribute maps" from the roundtables.

c. Water-based recreation is an important component of the economy of local governments and in turn, results in substantial tourist expenditures along the Front Range.[1] Because of its importance, many communities have integrated recreation into their planning and regulatory efforts. Statewide water supply planning must respect and complement these efforts. The No/Low Regrets plan needs a much more extensive discussion of this relationship.

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[1] *Water and Its Relationship to the Economies of the Headwaters Counties,* prepared for the Northwest Colorado Council of Governments Foundation, Inc. by Coley/Forrest, Inc (Dec. 2011).

d. Recreational In-Channel Diversions (RICDs) are essential elements of many communities' economic development plans. They are water rights that are heavily burdened by state restrictions that do not apply to other water rights. The RICD application process, not the Colorado Water Plan, is the appropriate place for interested parties to negotiate "carve outs" for future projects.

3. New Supply, Section 2: Develop Risk Management Strategies

The Scenario Planning and Adaptive Management section suggests "voluntary demand reduction" as part of a new supply project rather than a cap on water development (i.e. export). Demand reduction should be an essential part of a new supply strategy, not voluntary. The limits imposed on new water supply projects by the Colorado River Cooperative Agreement should be spelled out and included in new supply discussions.

In the larger consideration of new water supply, risk management measures and milestones should be created to mitigate the threat or triggering of a Colorado River Compact curtailment. It is imperative that current water users be protected and not thrown out of priority by a compact curtailment.

4. New Supply, Section 3: Identify Potential Multi-Purpose Components of New Supply Projects

a. Multipurpose components include demand management as a conservation component. Demand management should be a baseline requirement before any transmountain diversion is considered, not an enhancement as part of a new multi-purpose supply project.

b. The Grand County Stream Management Plan is not an example of an enhancement. It is an organic document that identifies flows and management techniques that are needed to protect the aquatic environment in specific segments of the Fraser and Colorado Rivers in Grand County. It does not provide for "exchanges with current transbasin diverters."

c. If there is a need for a project for future growth, we believe that the beneficiary of the project should finance it, not the State, and particularly not the basin of origin. State funding mechanisms for water projects already exist. If new mechanisms are created, they should be used for mitigation.

d. We question including cross-basin agreements as a potential specific action unless such agreements are intended to be initiated and negotiated by the affected parties. Our experience with the Colorado River Cooperative Agreement shows that successful agreements take many years, including countless hours of trust building, and must be developed by elected officials and key policy makers. The State had no role whatsoever in negotiating the CRCA. The Wolford Mountain Reservoir was subject to land

use permitting and regulatory oversight by Grand County, and the Windy Gap settlement agreement (for the original Windy Gap Project) also expressly required compliance with Grand County's land use permit regulations. The State was not involved in any of these projects. The key lesson learned from these agreements is that no new projects should be considered without the approval of the county where it would be located and conservancy conservation districts, as appropriate.

e. The Plan recommends that RICDs and other nonconsumptive flow projects provide allowances for new supply projects. Actually, under Colorado water law, new supply projects must take into account RICDs in the same way that they have to consider injury to any other water right. Moreover, RICD water rights already are subject to administrative requirements that do not apply to other water rights. The appropriate place to address deference to some future project is through the RICD process, not the state water plan. Some of the Upper Colorado River Wild and Scenic alternatives already have built in allowances for future water development in their flow recommendations for protection of nonconsumptive attributes. New Supply projects should take in to consideration these nonconsumptive uses rather than the other way around.

4. New Supply, Section 4: Identify Projects and Preserve Options

This whole section is premature. The State already has details of multiple undeveloped water supply projects. Prior to the identification of New Projects, the Colorado Water Plan must analyze the effect of new conditional water rights on these envisioned projects, and the impacts on the conditional water rights that currently exist on the West Slope. Full build out of currently identified projects may preclude any New Supply Project.

5. Establish Low/Medium Conservation Strategies Action Plan

a. The Conservation Action Plan is a critical element of any statewide water plan. However, while some of conservation plan is limited to larger providers, implementing it will be a hardship to small rural communities.

b. The Conservation Plan should emphasize the importance of conservation to address nonconsumptive goals of protecting aquatic habitat and recreation. The development and implementation of conservation standards and the CWCB Best Practices would make demand reduction efforts between water providers more consistent and comparable. Often providers hide behind statements that their systems are unique and so they can't implement certain practices.

c. The introductory language of the August draft provides helpful information on the quantities of water potentially derived from the various strategies to address the water supply gap. It would be useful to include this quantification for Conservation as well so the public understands the goal and potential for this strategy.

d. A statewide agreement tying conservation to new supply development and agricultural transfers is an important strategy. However, the level of requisite conservation tied to new supplies should be significantly more rigorous than the Action Plan. Any statewide agreements tying conservation to new transmountain diversions should be legally enforceable.

e. A statewide water use standard based on "gallons per capital per day (GPCPD)" is difficult in resort communities in the headwaters region where populations fluctuate dramatically even from day to day. Some mechanism to compare water use in these situations should be agreed upon. The GPCD based on countywide average population demographics that was used in SWSI does not work in the headwaters.

f. The proposed Action of expedited permitting for buildings and land development where water conservation is utilized is an odd policy objective. Federal, state, and local government land use permitting decisions encompass many health, safety, environmental and community objectives that should not be compromised because a water developer proposes to use drip irrigation or ultra-low flow toilets

6. Nonconsumptive Action Plan

a. The best way to protect nonconsumptive uses on the West Slope is to focus on alternatives to transmountain diversions for new supply. This principle should be stated as a no/low regret option to protect and develop nonconsumptive uses that benefit Colorado. In general, Action Plan steps 2-6 outline a reasonable process for identifying and implementing nonconsumptive projects. These steps track with the process laid out in the Nonconsumptive Toolbox and seem to function like a strategic plan.

b. Step 1 of the Action Plan is problematic. The Colorado Basin believes nonconsumptive uses are extremely important as stand-alone tools for economic development whereas it appears Specific Actions under Step 1 consider nonconsumptive needs only as they benefit other consumptive uses. For example, imperiled or endangered species seem to be viewed as impediments to water development. Other nonconsumptive use goals are directed to "economically important" nonconsumptive uses, (such as high use commercial rating) rather than uses that may be ecologically important (such as protection of riparian areas) or important to local quality of life (like angler access or kayaking stream segments). The IBCC 2010 letter to the Governor stated that projects and other strategies be pursued that benefit consumptive water users, the riparian and aquatic environments, and stream recreation but this language now is reduced to pursuing nonconsumptive projects that also benefit consumptive water users in Step1.

c. Local governments and water users should be the key stakeholders and partners in identifying critical areas in the state that derive economic benefit from stream-dependent recreational activities. As discussed above, many of them already have done significant planning in support of recreation as a keystone to economic development.

d. The notion of RICDs as means to protect a nonconsumptive use, and potentially protect in-basin consumptive uses as part of a multiuse scenario, should be added to the nonconsumptive needs toolbox. RICDs are a water right like any other water right. RICDs should not be downgraded and made subject to future out of basin development. At minimum the CWCB should limit its involvement on RICD applications to those defined by statute rather than opposing RICDs to protect consumptive uses.

e. Potential Future Action step 5 contemplates the development of environmental metrics to evaluate future supply project. This should include the development of preferred method for assessing stream health. This approach needs to be ecologically comprehensive and more than minimum fish flows and must be accomplished on a sub-basin level because Colorado stream segments present so many unique circumstances. The Watershed Flow Evaluation Tool is a good start for this. A preferred method for quantifying water for recreational float boating also needs be agreed upon statewide but refined locally. The usable days approach promoted by American Whitewater is a good start for this discussion.[2]

f. Projects or methods with indirect nonconsumptive attributes deserve special considerations, as the nonconsumptive "benefits" to major out-of-basin projects must be balanced against the nonconsumptive harm and loss to the basin of origin. Elevating consumptive projects over non-consumptive needs should not be part of any statewide water plan because of the negative impact that has on certain areas of the state. Such an approach is inconsistent with other state-wide goals and policies that would lead to a balance of non-consumptive and consumptive needs.

7. Minimizing Statewide Agricultural Acres Transferred Action Plan

a. The strategies methodologies in this Action Plan are good as long as they are expanded to include loss of agricultural lands beyond the eastern plains.

b. Local governments are critical to any partnerships. These stakeholders should be included in partners under Section 3: Establish Basin Goals and Track Ongoing Progress.

We thank you for your time and consideration of these important matters.

Sincerely,
Members of the Colorado Basin Roundtable

[2] *Evaluating instream flows for recreation, a handbook on concepts and research methods*, Whittaker and Shelby, US Department of Interior, National Park Service, Anchorage, AK, 1993.

West Slope Principles for the Colorado Water Plan

1. **Solutions in the Colorado Water Plan (CWP) to supply water for growth and development in one part of the state should not over-ride land use plans and regulations adopted by local governments in the part of the state from which water will be taken.** [1,2,3,4,5,6,7]

   1.1 No new water supply projects or major changes in operation of existing projects should be planned unless agreed to by the county, conservancy district, and conservation district in the area from which water would be diverted. [1,3,5,6,7]

   1.2 The CWP must take into account pending projects, water supply plans, comprehensive land use plans, local regulatory authority, water quality plans (208 Plans), watershed plans, multi-party water agreements and related documents adopted by local governments in the area from which water would be taken. [1,2,3,4,5,6,7]

   1.3 Both the legislative basis and the legal impact of local government regulatory tools adopted to mitigate impacts of water projects should be recognized and protected. [3,6,7]

   1.4 The CWP should never elevate the agricultural interests in one part of the state over the agricultural interests in another part of the state to meet the demands of Front Range development. Agriculture is an important segment of the state's economy as a whole. Agriculture provides food independence, open space, wildlife habitat, cultural value, and economic activity wherever it is located.

   1.5 Any new supply projects taking water from one area of the state to another should include funding for "compensatory projects" to serve the area from which the water is taken. [7]

2. **The CWP should protect and not threaten the economic, environmental, and social well-being of the west slope.** [1,2,3,5,6]

   2.1 The cornerstones of the west slope's economy are tourism, recreation, agriculture, and resource development, all of which are highly dependent upon water to be successful. The CWP should not facilitate additional diversions that could threaten the region's environmental, social and economic well-being. [1,2,3,6]

   2.2 To educate the public about existing conditions on the west slope, the CWP should identify the location and amounts of water that are already diverted every year from the west slope to the east slope, and discuss the historic and current consequences of those diversions. [1,2,3,6,9]

2.3 The state should not facilitate, politically, financially, or legally, any new water supply projects from the Colorado, Yampa/White or Gunnison River Basins to the Front Range without the consent of the county, conservancy district, and conservation district in the basin of origin, and unless impacts are avoided and mitigation is provided. [1,2,3,6 7]

2.4 New supply projects that involve storage on the west slope must make a significant amount of water available to west slope water uses. New supply projects that involve storage of west slope water in an east slope storage project must provide compensatory storage to protect existing and future west slope water uses, as well as the environmental and non-consumptive needs of the basin of origin. [7]

2.5 The CWP must protect investments in public water and wastewater facilities by ensuring that costs to upgrade and operate these facilities do not increase because of Front Range water projects.[5]

2.6 The CWP must afford recreational in-channel diversions and CWCB instream flows the same status as other water rights that are protected under Colorado law. [3,6] Other west slope non-consumptive water needs must be factored into the CWP.

2.7 Water quality protection efforts of the west slope must be respected and enhanced by the CWP. [4,5,6]

2.8 The historic use of west slope agricultural water rights provides a river flow regime that is relied upon by all west slope users and must be maintained. [8]

3. **The CWP should identify a process and requirements for each basin to exhaust available water supply within its own basin before planning diversions from another area of the state.** [1,2,3,7]

3.1 Transmountain diversion water should be re-used to extinction to the extent allowed by law, before any proposed new supply development focuses on further west slope water supply. [1,2,3,6,7]

3.2 Re-allocation of existing supplies in areas that need more water should be evaluated (e.g. rotational fallowing, changing to new uses, deficit irrigation).[1,3,6,7]

3.3 Front range infrastructure and water should be shared to meet future demands (e.g. WISE). Laws and regulations that improve such sharing should be considered.

3.4 New Front Range in-basin projects should be pursued to fully utilize in-basin supplies (e.g. Chatfield Reallocation, SDS, Arkansas Conduit, indirect and direct

re-use, gravel pit storage projects), including maintaining and enhancing existing storage facilities. The CWP should encourage and facilitate dredging to keep capacity, and streamline efforts to enlarge storage by dredging when practical.[3,6]

3.5 The CWP should promote mechanisms to reduce demand through agricultural or municipal efficiency/conservation, land use and smart growth policies that further water conservation, and controls on water usage.[3,6,7] Under no circumstances should agriculture be penalized for switching to more efficient water use methods.

3.6 The CWP should reject proposals for water to supply new development when and where there are insufficient water resources available to support them under all hydrologic conditions without creating risks for other water users.[1,3,6,7] Any new supply projects that rely on diversions from the west slope should be developed within the existing water rights system and not afforded special status.

3.7 Front Range areas with present and future projected water shortages should pursue collectively financing projects that provide water resources to their areas.

4. **The CWP should outline mechanisms to mitigate the risk of potential Compact curtailment of the Colorado River. For example, the CWP should adopt low-risk legal and hydrologic assumptions related to Colorado's obligations under the Colorado River Compact and the Upper Colorado River Basin Compact in order to minimize the risk of curtailment on existing uses of Colorado River basin water.[7]**

4.1 There is disagreement on how much, if any, additional consumptive use water is available from the Colorado River. Because of justifiable reliance and financial investment, existing uses and users should be protected and not put at risk by new development.

4.2 The facilities and methodologies for protecting existing users from a compact curtailment, as well as for mitigation, must be in place prior to any new project or methodology that would take additional water out of the Colorado River Basin.

4.3 The CWP must disclose that fully developing the state's Colorado River compact entitlement will increase the chance of a compact curtailment that would impact existing users.

4.4 New projects in the Colorado River Basin should be supported and approved, if at all, only on conditions that will allow diversion and storage at times and in amounts that will not increase the risk of compact curtailment of other post-Compact water rights.

5. **The State should not assume a role as a proponent of a water project until the State regulatory process has been completed and the project has been agreed to by the impacted counties, conservancy districts and conservation districts in the area from which water would be diverted.**

The above principles are taken from many sources of earlier water principles around the state. The numbers in the above principles indicate in which documents a similar principle may be found, including:

[1] Colorado 58 *Water Principles*. In approximately 1999, 58 Colorado Counties, signed onto these Water Principles, which were passed as a House Resolution as well.

[2] Colorado River Water Conservation District Policy Statement: Existing Transmountain Diversions, Adopted July 15, 2008, readopted July 2011. http://www.crwcd.org/media/uploads/20110719-policies_TMD_Existing_Projects.pdf

[3] Colorado River Water Conservation District Policy Statement: Transmountain Diversions, adopted March 16, 2000, revised and readopted July 2011. http://www.crwcd.org/media/uploads/20110719-policies_TMDs.pdf

[4] Colorado River Water Conservation District Policy Statement: Water Quality, adopted July 2010. http://www.crwcd.org/media/uploads/20100720_policy_water_quality.pdf

[5] NWCCOG Water Quality/ Quantity Committee Policies, readopted November 2012.

[6] 2012 NWCCOG Regional Water Quality Management Plan (208 Plan). http://nwccog.org/docs/wss/rwqmp_2012/Vol%201_Policy%20Plan%202012%20208%20Plan.pdf

[7] Colorado Basin Roundtable Vision Statement (Nov. 2010).

[8] Orchard Mesa Check Case, 91CW247, Water Division No. 5.

[9] i.e. Senate Document No. 80, Windy Gap Project, Windy Gap Firming Project, Colorado River Cooperative Agreement

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Eagle County
Sara Fisher, Eagle County Commissioner
Jill Ryan, Eagle County Commissioner
Kathy Chandler-Henry, Eagle County Commissioner

Grand County
James Newberry, Grand County Commissioner
Merrit Linke, Grand County Commissioner
Gary Bumgarner, Grand County Commissioner

Gunnison County
Paula Swenson, Gunnison County Commissioner
Jonathan Houck, Gunnison County Commissioner
Phil Chamberland, Gunnison County Commissioner

Pitkin County
Rob Ittner, Pitkin County Commissioner
Rachel Richards, Pitkin County Commissioner
Michael Owsley, Pitkin County Commissioner
Steve Child, Pitkin County Commissioner
George Newman, Pitkin County Commissioner

Park County
Loren Grosskopf, Park County Commissioner
Joe Tilden, Park County Commissioner
Tim A. French, Park County Commissioner
Bucky Hall, Park County Commissioner
Lee Livingston, Park County Commissioner

Routt County
Tim Corrigan, Routt County Commissioner
Douglas B. Monger, Routt County Commissioner
Steven K. Ivancie, Routt County Commissioner

Summit County
Thomas Davidson, Summit County Commissioner
Karn Stiegelmeier, Summit County Commissioner
Dan Gibbs, Summit County Commissioner

JURISDICTIONS ENDORSING
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Town of Breckenridge
John Warner, Mayor
Ben Brewer, Council Member
Mike Dudick, Council Member
Jen McAtamney, Council Member
Wendy Wolfe, Council Member
Mark Burke, Council Member
Gary Gallagher, Council Member

Town of Crested Butte
Aaron Huckstep, Mayor
David Owen, Council Member
Shaun Matusewicz, Council Member
Jim Schmidt, Council Member
John Wirsing, Council Member
Roland Mason, Council Member
Glenn Michel, Council Member

Town of Dillon
Ronald J. Holland, Mayor
Kevin Burns, Council Member
Erik Jacobsen, Council Member
Terry King, Council Member
Mark Nickel, Council Member
R. Louis Skowyra III, Council Member
Tim Westerberg, Council Member

Town of Frisco
Gary Wilkinson, Mayor
Kent Willis, Council Member
Woody Van Gundy, Council Member
Kim Cancelosi, Council Member
Larry Sawye, Council Member
Kathleen Bartz, Council Member
Tom Connolly, Council Member

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Fraser
Peggy Smith, Mayor
Steve Sumrall, Trustee
Eileen Waldow, Trustee
PHilip Naill, Trustee
Cheri Sanders, Trustee
Vesta Shapiro, Trustee
Adam Cwiklin, Trustee

Town of Grand Lake
Judy M. Burke, Mayor,
Jim Peterson, Trustee
Benton Johnson, Trustee
Elmer Lanzi, Trustee
Kathy Lewis, Trustee
Tom Ludwig, Trustee
Tom Weydert, Trustee

Town of Gypsum (with exceptions)
Steve Carver, Mayor
Tom Edwards, Council Member
Gary Lebo, Council Member
Pam Schultz, Council Member
Richard Mayne, Council Member
Beric Christiansen, Council Member
Tim McMichael, Council Member

Town of Kremmling
Tom Clark, Mayor
Grant Burger III, Council Member
Scott Crandall, Council Member
Casey Curran, Council Member
Wes Howell, Council Member
Mark Mahomey, Council Member
Gina Schroeder, Council Member

JURISDICTIONS ENDORSING
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Town of Silverthorne
Dave Koop, Mayor
Bruce Butler, , Council Member
Dave Anderson, Council Member
Derrick Fowler, Council Member
David Preaus, Council Member
Ann-Marie Sandquist, Council Member
Stuart Richardson, Council Member

Town of Yampa
Tom Yackey, Trustee
Brian Ashley, Trustee
Jeff Drust, Trustee
Stephanie Hayden, Trustee
Mike Lewis, Trustee
Tom Estes, Trustee

Copper Mountain Consolidated Metropolitan District
Tom Malmgren, President,
Karl Anuta, Board of Directors
Bob Bloch, Board of Directors
Ben Broughton, Board of Directors
Dave Steele, Board of Directors

Middle Park Water Conservancy District
Duane Scholl, President
Jim Lenzotti, Secretary:
Jack Buchheister, Treasurer
Michael Eytel, Member
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Colorado Basin Roundtable - *See attached* Colorado Basin Membership List

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West Divide Water Conservancy District	Ed	Olszewski	edolszewski@comcast.net

HEADWATERS DOCUMENTS / LINKS -
Comprehensive/Master Plans, Areas and Activities for State Interest (1041 Regs), and Watershed Protection Regulations

NWCCOG

1. 2012 208 Regional Water Quality Management Plan:

Blue River Water Quality Management Plan
http://nwccog.org/docs/wss/rwqmp_2012/Blue%20River%20Watershed%202012%20208%20Plan.pdf

Eagle River Water Quality Management Plan
http://nwccog.org/docs/wss/rwqmp_2012/Eagle%20River%20Watershed%202012%20208%20Plan.pdf

North Platte River Water Quality Management Plan
http://nwccog.org/docs/wss/rwqmp_2012/Noth%20Platte%20Watershed%202012%20208%20Plan.pdf

Roaring Fork Watershed Management Plan
http://nwccog.org/docs/wss/rwqmp_2012/Roaring%20Fork%20Watershed%202012%20208%20Plan.pdf

Upper Colorado River Water Quality Management Plan
http://nwccog.org/docs/wss/rwqmp_2012/Upper%20Colorado%20Watershed%202012%20208%20Plan.pdf

Volume 1: Policy Plan
http://nwccog.org/docs/wss/rwqmp_2012/Vol%201_Policy%20Plan%202012%20208%20Plan.pdf

Volume 2: Water Quality Program Development
http://nwccog.org/docs/wss/rwqmp_2012/Vol%20II%20-%20Program%20Development%202012%20208%20Plan.pdf

Appendix 1: Glossary
http://nwccog.org/docs/wss/rwqmp_2012/Appdx%201%20Glossary.pdf

Appendix 2: NWCCOG Watershed Population Information
http://nwccog.org/docs/wss/rwqmp_2012/Appdx%202%20NWCCOG%20Watershed%20Population%20Information.pdf

Appendix 3: Wastewater Treatment Facilities
http://nwccog.org/docs/wss/rwqmp_2012/Appdx%203%20Wastewater%20Treatment%20Facilities%20Oct2012.pdf

Appendix 4: Water Providers
http://nwccog.org/docs/wss/rwqmp_2012/Appdx%204%20%20Water%20Providers.pdf

Appendix 5: Management Agencies
http://nwccog.org/docs/wss/rwqmp_2012/Appdx%205%20%20Management%20Agencies%20IGAs.pdf

Appendix 6: Water Quality Protection Standards
http://nwccog.org/docs/wss/rwqmp_2012/Appdx%206%20Water%20Quality%20Protection%20Standards.pdf

Appendix 7: Examples of Green BMP's for Water
http://nwccog.org/docs/wss/rwqmp_2012/Appdx%207%20Example%20Green%20BMPs.pdf

Appendix 8: Transmountain Diversions
http://nwccog.org/docs/wss/rwqmp_2012/Appdx%208%20TransMountain%20Diversions.pdf

2. *Water and its Relationship to the Economies of the Headwater Counties*, prepared by Coley/Forrest, Inc., December 2011
http://nwccog.org/docs/qq/QQStudy_Report_Jan%202012.pdf

Counties

Eagle

1. Eagle County Comprehensive Plan
http://www.eaglecounty.us/Planning/Documents/Eagle_County_Comprehensive_Plan/
2. Dotsero Area Community Plan
http://www.eaglecounty.us/Planning/Documents/Master_Plans/Doterso_Community_Plan_Revised_05142013/
3. Wolcott Area Community Plan
http://www.eaglecounty.us/Planning/Demographics_and_Statistics/Wolcott_Master_Plan_2009/
4. Mid-Valley Area Community Plan
http://www.eaglecounty.us/Planning/Documents/Master_Plans/Mid_Valley_Area_Community_Plan_2013/

5. 1041 Regulations
http://www.eaglecounty.us/Planning/Documents/Chapter_VI_-_Areas_and_Activities_of_State_Interest_052012/

Grand

1. Grand County Master Plan 2011
http://www.co.grand.co.us/planning/links/Grand%20county%20master%20plan%20FINALa%2002%2009%2011.pdf

2. Stream Management Plan
http://co.grand.co.us/WRM/Draft_Report/draft.html

3. 1041 Regulations
http://www.co.grand.co.us/planning/links/1041.pdf

Gunnison [documents not available on web site at this time, but available electronically upon request]
1. Gunnison County Comprehensive Plan, Gunnison/Crested Butte Corridor (October 7, 2005)
2. Upper Crystal River Master Plan (September 16, 2005)
3. Special Development Projects Resolution (1041 Regulations)

Park
1. Strategic Master Plan
http://co-parkcounty.civicplus.com/DocumentCenter/Home/View/313

2. 1041 Regulations
http://www.parkco.us/DocumentCenter/Home/View/261

Pitkin / Aspen
1. Master Plans [Brush Creek Master Plan, Crystal River Master Plan, Down Valley Master Plan, East of Aspen / Independence Pass Master Plan, Emma Master Plan, Frying Pan River Master Plan, Maroon-Castle Creek Master Plan, Owl Creek Master Plan, Redstone Master Plan, Snowmass-Capitol Creek Master Plan, West of Maroon Creek Plan (WOMP), Woody Creek Master Plan, Aspen Area Community Plan]
http://www.aspenpitkin.com/Departments/Community-Development-Pitkin-County/Planning-and-Zoning/Master-Plans/

2. City of Aspen Civic Master Plan (2006)
http://www.aspenpitkin.com/Portals/0/docs/City/Comdev/Long%20Range%20Planning/2006CivicMasterPlan.pdf

3. Roaring Fork Watershed Plan

http://www.roaringfork.org/pub/collaborative/2012.04.12%20Roaring%20Fork%20Watershed%20Plan%20FINAL.pdf

4. Pitkin County Watershed Regulations: Land Use Code Section 7-20-80, "River and Stream Corridors and Wetlands"
http://www.aspenpitkin.com/Portals/0/docs/county/BOCC/chapter%2007.pdf

Routt County

1. Routt County Master Plan
http://www.co.routt.co.us/DocumentCenter/View/275
2. Sarvis Creek Area Plan
http://www.co.routt.co.us/DocumentCenter/View/276
3. Town of Oak Creek Comprehensive Plan (jointly adopted)
http://www.co.routt.co.us/DocumentCenter/View/942

4. Hayden Comprehensive Plan, Steamboat Springs Area Community Plan, West Steamboat Springs Area Plan
http://www.co.routt.co.us/index.aspx?NID=192

5. 1041 Regulations
http://www.co.routt.co.us/DocumentCenter/View/143

Summit

1. Countywide Comprehensive Plan
http://www.co.summit.co.us/index.aspx?NID=495
2. Lower Blue Master Plan
http://www.co.summit.co.us/index.aspx?NID=496
3 Snake River Master Plan
http://www.co.summit.co.us/index.aspx?NID=497
4. Ten Mile Basin Master Plan
http://www.co.summit.co.us/index.aspx?NID=498
5. Upper Blue and Joint Upper Blue Master Plan
http://www.co.summit.co.us/index.aspx?NID=500

6. 1041 Regulations
http://www.co.summit.co.us/DocumentCenter/Home/View/65

Municipalities

Avon

1. Town of Avon Comprehensive Plan
http://www.avon.org/DocumentCenter/Home/View/83

2. 1041 Regulations
http://www.avon.org/DocumentCenter/Home/View/1745

Basalt

1. Town of Basalt 2007 Master Plan
http://www.basalt.net/planning_links.htm
2. Roaring Fork River Stewardship Master Plan for Town of Basalt
http://www.basaltriverinfo.com/master_plan.htm

Breckenridge

1. SustainableBreck Plan
http://www.townofbreckenridge.com/Modules/ShowDocument.aspx?documentid=4297
2. Joint Upper Blue Master Plan (Summit County and Towns of Breckenridge and Blue River)
http://www.townofbreckenridge.com/Modules/ShowDocument.aspx?documentid=2014
3. Town of Breckenridge Vision Plan
http://www.townofbreckenridge.com/Modules/ShowDocument.aspx?documentid=33
4. Town of Breckenridge 2008 Comprehensive Plan
http://www.townofbreckenridge.com/Modules/ShowDocument.aspx?documentid=34

Carbondale

1. Carbondale Comprehensive Plan

http://www.carbondalegov.org/index.asp?Type=B_BASIC&SEC={CBF04B49-2212-430F-B247-E5730917A0E5}

Crested Butte

1. Crested Butte Area Plan

http://www.crestedbutte-co.gov/vertical/Sites/%7B6058FFBB-CB06-4864-B42F-B476F794BE07%7D/uploads/PartIV-p94-118.pdf

2. Watershed Protection District (Municipal Code Chapter 14)

http://www.colocode.com/crestedbuttepdf.html

Dillon

1. Town of Dillon Comprehensive Plan Update 2008

http://www.townofdillon.com/Modules/ShowDocument.aspx?documentid=184

2. Town of Dillon Parks and Recreation Master Plan

http://www.townofdillon.com/Modules/ShowDocument.aspx?documentid=323

Eagle

1. Eagle Area Community Plan

http://www.townofeagle.org/index.aspx?NID=339

Fraser

1. Comprehensive Plan

http://www.frasercolorado.com/Modules/ShowDocument.aspx?documentid=524

Frisco

1. 2009 Town of Frisco Three-Mile Plan

http://www.friscogov.com/wp-content/uploads/2009/04/Planning1-21.pdf

2. Frisco Community Plan (2011)
http://www.friscogov.com/wp-content/uploads/2011/08/Master-Plan.pdf

Grand Lake

1. 2006 Comprehensive Land Use (Master) Plan
http://siterepository.s3.amazonaws.com/00108200909090425394151.pdf

Gypsum

1. 1999 Town of Gypsum Foundation Plan
http://www.townofgypsum.com/index.aspx?nid=793
2. Eagle River Area Plan (sub-area plan to the 1999 Foundation Plan)
http://www.townofgypsum.com/index.aspx?NID=794
3. Town of Gypsum 3-Mile Annexation Plan 2012
http://co-gypsum.civicplus.com/DocumentCenter/View/4322
4. Master Plan Maps
http://www.townofgypsum.com/DocumentCenter/Home/View/2619

5. 1041 Regulations
http://www.townofgypsum.com/DocumentCenter/View/141

Kremmling

1. Comprehensive Plan
http://www.townofkremmling.org/comprehensive-plan.html

Minturn

1. Town of Minturn 2009 Community Plan
http://www.minturn.org/pdf/2009CommunityPlan.pdf
2. Minturn 3-mile Plan for Annexation

http://www.minturn.org/pdf/communityPlan/2009MinturnThreeMilePlanforAnnexationAdoptedMarch18_2009.pdf

Oak Creek

1. Town of Oak Creek Comprehensive Plan

http://www.yampavalley.info/sites/default/files/Oak%20Creek%20Comp%20Plan%20Update_2010-02-26%20Final.pdf

Silverthorne

1. Comprehensive Plan

http://www.silverthorne.org/Modules/ShowDocument.aspx?documentid=502

2. 1041 Regulations

http://www.silverthorne.org/Modules/ShowDocument.aspx?documentid=1576

Vail

1. Vail Village Master Plan

http://www.vailgov.com/docs/dl_forms/Vail_Village_Master_Plan_Amended_082112.pdf

2. Town of Vail Land Use Plan [element of Comp Plan]

http://www.vailgov.com/docs/dl_forms/VailLandUsePlan012809.pdf

Winter Park

1. Master Plan

http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheadername1=Content-Disposition&blobheadername2=Content-Type&blobheadervalue1=inline%3B+filename%3D"Master+Plan.pdf"&blobheadervalue2=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251816580972&ssbinary=true

or

http://www.colorado.gov/cs/Satellite/TownofWinterPark/CBON/1251623370514

Colorado Water Plan – Documentation of Input Received on 10/30/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
10/30/13	Northwest Council of Governments	Email to Jacob Bornstein, CWCB Program Mgr; forwarded to cowaterplan@state.co.us	5.9	Comments regarding streamlined permitting from the nonconsumptive community	Research paper entitled: The Colorado, USA, Joint Review Process: an Initial Evaluation of Its Success as a Permit Reform by Key Participants, Thomas J. Gallagher, 1987

STATE OF COLORADO

McIntire - DNR, Kate <kate.mcintire@state.co.us>

Fwd: Joint Review Process

Bornstein - DNR, Jacob <
To: Kate McIntire - DNR <

Wed, Oct 30, 2013 at 7:27 AM

See below

Jacob Bornstein
Program Manager, Water Supply Planning Section
Colorado Water Conservation Board
(303) 704-1869

-------- Forwarded message --------
From: "Barbara Green"
Date: Oct 29, 2013 12:08 PM
Subject: Joint Review Process
To: "jacob.bornstein@state.co.us"
Cc: "Lane Wyatt" <

Dear Jacob,

When we spoke in Vail, I mentioned to you the angst engendered by the section of the Colorado Water Plan Framework document "Streamlining Permitting" and some of the reasons for that reaction.

"Coordinated permitting" or some other language will create a lot less anxiety and negative response from the west slope.

Attached is an article about the Colorado Joint Review Process that I mentioned to you as a starting point for reframing that issue. We would be very happy to work with you this issue.

Joint Review Process.pdf
896K

The Colorado, USA, Joint Review Process: an Initial Evaluation of Its Success as a Permit Reform by Key Participants

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ABSTRACT / Colorado, USA, developed the Joint Review Process (CJRP) in 1978 to coordinate the application and review of permits required for major development projects. Since then, the state has used the process on over 20 projects. This study examined whether the CJRP has achieved its primary goals—enhanced coordination of agencies, enhanced public participation, and strengthened communication between agencies and project sponsors—and several related secondary goals. The success of the process was measured through a survey of 54 key people who had been directly involved with the process. Those surveyed included federal and state agency staff, local agency managers, corporate officers, private consultants, and environmental leaders. All groups, with one exception, "agreed" that the process achieved its primary goals and that it should be retained. Environmental leaders were "neutral" about whether the process enhanced public participation and about retaining the process. The report concludes with a review of recommended improvements to and applications of the CJRP.

The state of Colorado (USA) contains abundant natural resources, including oil shale, coal, uranium, and a variety of metals. Environmental legislation passed during the 1960s and 1970s dramatically increased the number of federal, state, and local permits required to extract and process these resources. During this same period, many corporations proposed major new energy and mineral projects in Colorado. As the projects entered the permitting phase, it became clear to all parties—the project proponents, the regulatory agencies, and the public—that the permit phase of a project was disordered and inefficient (Pascoe and Poe 1982). To resolve this problem, the State of Colorado developed the Colorado Joint Review Process (CJRP), a "management overlay" to coordinate the permitting phase of major projects. The process is now over eight years old and has been used to coordinate permits on over 20 major projects.

This study provides a preliminary assessment of the success of the process. The method involves a survey evaluation by key people directly involved with the CJRP, including agency staff, representatives of project proponents, and representatives of environmental interest groups. Although this study concerns public participation in part, it does not directly incorporate general public comments. This approach provides an initial sense of the success of the process, of its strengths and weaknesses, and of possible areas for improvement. This study is largely descriptive and antecedent to a more quantitative analysis of measurable changes associated with the process. The approach provides a sense of the support the CJRP program receives from various participating groups.

KEY WORDS: Colorado joint review process; Permit coordination; Conflict resolution; Public participation

A major project in Colorado must acquire a variety of federal, state, and local permits (Hamilton 1980). A large mineral project, for example, would require one or more of the following permits: Prevention of Significant Deterioration Permits for air quality from the US Environmental Protection Agency (EPA); Air Pollutant Emissions Permits from the Colorado Department of Health, Air Pollution Control Division; National Pollutant Discharge Elimination System Permits from the Colorado Department of Health, Water Quality Control Division; Section 404 Dredge and Fill Permits from the US Army Corps of Engineers; Subsurface Disposal Permits from the Colorado Department of Health, Water Quality Control Division; Regular Open Mining Permits from the Colorado Mined Land Reclamation Board; and Special Use or other zoning permits from the local county government. These permits are in addition to environmental impact statement requirements as specified by the National Environmental Policy Act and other obligations such as a Plan of Operations if the project involves US Forest Service land.

The central problem has been the large number of permits. Each permit requires specific information, has specific hearing and other public participation re-

quirements, and has a specific process and schedule. The cost, in time and money, of acquiring multiple permits often exhausted the resources of the project proponent before all permits were issued. The EPA (1982) cites one example of a proposed pipeline project that was withdrawn after five years of trying to fulfill 715 permit requirements.

The large number of permits influenced a related problem—lack of coordination between the permits and regulatory agencies. Permits often overlapped, were duplicative, or even contradictory; agencies fulfilling their own requirements were often insensitive to the conflicts between agencies observed by the project proponent (Poe 1983). Project proponents described the process as a "maze" or "gauntlet." Gladwin (1982:1) described permitting, from the applicant's view, as ". . . exorbitantly expensive, agonizingly slow and exquisitely designed to avoid any resemblance to fairness and justice."

A third problem was lack of public participation. Of this, Poe (1983:81) states: "Opportunities for public participation are limited and occur late in the review process; potential delays, conflict and litigation are increased markedly." And an environmentalist (Golten 1982:99) added a specific note: "In a sequential permitting process, environmentalists are called on to attend meeting after meeting, time is not an elastic commodity—it stretches only so far." From the view of the interested public, the permit process required too much effort from the public, and it occurred too late in the process to be effective.

A fourth problem was that project proponents communicated with agencies only as required. There was little or no effort on the part of either agencies or project proponents to work together during the permit phase to find solutions to problems. Projects were typically brought to agencies only after the design was complete, limiting the opportunity for agency staff to recommend possible changes (Colorado 1980). Poe (1983:81) noted a related problem: "The complexity and number of regulations often discourages industry from seeking more than one permit at a time. Sequential permitting requires a substantial amount of time and tends to diminish the quality of the overall review of the project."

By 1980, the permit problem had become a central part of the new field of environmental conflict resolution. Numerous practitioners and researchers had addressed the problem by the early 1980s (Bingham and others 1981, Lesnick and Crowfoot 1981). Gladwin (1980) provided a major overview of the problem, identifying 366 environmental disputes that occurred in the United States between 1970 and 1978. A majority of the disputes (64%) involved "administrative actions" such as permits, licenses, zoning actions, and other governmental authorizations. Most of the projects involved one or more issues that typically require permits: water quality (59%), air quality (31%), and land use (16%). Projects often had more than one opponent: national governmental body (59%), regional (state) governmental body (54%), and local governmental body (17%). Environmental groups were involved in litigation against 32% of the projects.

Other research in environmental conflict resolution focused on perceptual differences of participants (Susskind and others 1978), organizational methods for resolving conflict (Likert and Likert 1976), and strategies of negotiation (Fisher and Ury 1981). Several researchers examined application of principles through case studies (Carpenter and Kennedy 1979, Drtina and Lundsted 1982).

Research in conflict resolution provided a theoretical base for development of the Colorado Joint Review Process, but the impetus for development came from the "energy crisis" of the early 1970s. With federally guaranteed loans, numerous corporations rushed to develop Colorado's massive oil shale deposits. These projects encouraged the state of Colorado to support development of a coordinating process. The CJRP was first applied to a major project in 1978. The same year the Environmental Protection Agency, recognizing the possible value of the process to other states, provided a grant to the DNR to refine the procedure and publish an operations manual, completed in 1980 (Colorado 1980).

In 1982, an EPA survey (EPA 1982) identified three other states—Illinois, Tennessee, and South Dakota—that had initiated a joint review process. In response to the permit problem, 37 other states had initiated one or more other types of permit reform: permit/application coordinator (27), setting of deadlines for agency decisions (22), joint applications for similar permits (14), joint hearings (also called joint review) for similar permits (11), one-stop permitting (9), and computer tracking of permits (8). (The joint review process includes both joint applications and joint hearings but is substantially different as noted below).

Of the four states that initiated a joint review process, the CJRP is the most developed and has been the most extensively used. Major energy/mineral projects on which it has been used include the AMAX Mount Emmons Molybdenum Project, the Rio Blanco Oil Shale Project, the Multi-mineral Nahcolite Project, and the Pacific Shale Oil Project. Other types of projects include major ski areas—the Keystone Expansion, the Wolf Creek Valley Ski Area, and the Vail Expansion

—and other large projects such as the Continental Natural Gas Pipeline and the Hellsgate Hydroelectric Project.

The CJRP was designed to be adaptable to many types of projects. In effect, the CJRP is a process to design a process that fits a specific project and set of permits. It includes both "joint applications" and "joint hearings (review)" but it is substantially different. Whereas these reforms coordinate specific events and permits, the CJRP coordinates the entire permitting effort, including permits, procedures, and participants.

The CJRP involves three stages: decision, organization, and implementation. In stage 1 (decision), the DNR Director decides whether the project, proposed voluntarily by the proponent, can be admitted to the process. To be admitted, the project must be "major," involving permits from at least two levels of government; the project must also be early in the design phase before major decisions are made; and the CJRP office must have adequate staff available. In stage 2 (organization), the CJRP staff organize a series of meetings among permitting agencies leading to joint agreements of responsibility, formation of a planning team of staff from permitting agencies, and preparation of a "project decision schedule" (PDS) by the team. The PDS is then implemented in stage 3. The PDS, which is unique to every project, includes a timetable of public participation events, agency/project proponent consultations, and planning team meetings.

The DNR designed the CJRP to achieve three primary goals, to overcome three practical problems of permitting (Colorado 1980:3–4). The first goal was to enhance interagency coordination, to reduce the "lack of coordination, jurisdictional duplications, and interagency conflicts." The second goal was to enhance opportunities for public participation in the review and decision process, to "enhance and improve public participation in governmental decisionmaking." The third goal was to strengthen communication between agencies and project proponents, primarily by overcoming the "reluctance of most companies to approach government and the public early in project planning."

The CJRP Manual identifies numerous other secondary goals. Of these the most significant were to: (1) increase the overall amount of information brought to bear on the project, (2) increase the chances of finding an alternative that would resolve conflict, (3) enable participants to identify problems early in the process so they could be resolved efficiently within the process, (4) improve chances that a "bad" project was stopped or revised while a "good" project was permitted, (5) reduce the amount of time between project proposal and approval, and (6) save project proponents money. The success of the CJRP in achieving these three primary and six secondary goals became the central focus of the survey of participants.

Methods

The success of the CJRP was measured by surveying key people with direct experience with the process. Qualified individuals had to be involved throughout one major project in one of three capacities: planning team member, representative of the project proponent, or environmental group leader. Planning team members included three groups: federal agency staff, state agency staff, and local agency managers. Representatives of project proponents included two groups: corporate officers and private consultants. A review of CJRP records identified 66 potentially qualified individuals.

No specific data were collected about the age or education of the participants. A general review of their background by knowledgeable CJRP staff suggested that they could be redivided into three groups: developers, professionals, and environmentalists. Developers included corporate officers and most local agency managers, since most of this group represented the economic development interests of their local government. Professionals included federal and state agency staff, private consultants, and the remainder of the local agency managers. Most people in this group were known to have an education in the natural sciences, environmental engineering, or in land planning. Environmentalists included leaders of a variety of environmental interest groups. Individuals in this group were believed to have the widest array of educational credentials.

The survey form was mailed without prior contact to the 66 individuals in September 1985 with a follow-up letter in October. Five people had left the area and could not be located and four people disqualified themselves as lacking the experience necessary to make the requested evaluation. Of the 57 remaining people, three responded to the survey in an unusable form, that is, by letter or note. For purposes of this study, the population is considered to be 54. This number is consistent with a subsequent study of the CJRP by the Center for Improvement of Public Management which identified 52 qualified individuals (Center 1986).

The population divided relatively evenly into the six groups noted earlier. The number originally identified and the number in the study were as follows:

federal agency staff (11 of 11, 100%), state agency staff (10 of 13, 77%), local agency managers (9 of 10, 90%), corporate officers (9 of 13, 69%), private consultants (9 of 11, 82%), and environmental leaders (6 of 8, 75%). With the exception of federal agency staff, each individual represented a separate agency, division within an agency, corporation, or group. The 11 federal agency staff members represented seven federal agencies, several of which have more than one office in Colorado.

The mailing included a cover letter and the survey form. The cover letter explained the research project, guaranteed anonymity of responses, and provided directions for responding to the statements. The survey form consisted of ten Likert-scale statements: three for the primary goals, six for the secondary goals, and a tenth summary statement (Likert 1932). The statements were:

PRIMARY GOAL STATEMENTS. "The CJRP . . .

1. Enhances coordination between agencies, reducing duplication and conflict.
2. Enhances opportunities for public participation in the review and decision process.
3. Has strengthened communication between agencies and project sponsors."

SECONDARY GOAL STATEMENTS. "The CJRP . . .

4. Increases the chances of bringing all relevant information to bear on the project.
5. Increases chances of finding alternatives that resolve environmental–development conflict.
6. Has enabled participants to identify and resolve problems early and efficiently.
7. Improves the likelihood that a bad project is stopped or revised and a good project is permitted.
8. Has reduced the time between project proposal and final approval.
9. Has saved industries money."

SUMMARY STATEMENT. "The CJRP . . .

10. Has helped with permit coordination and should be retained."

Respondents evaluated the statements using a five point scale: 1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, and 5 = strongly agree. The form concluded with an open-ended request to ". . . describe what you feel are the strong points of the CJRP and how it can be improved."

Responses were analyzed in three ways. First, the group scores for each question were evaluated using the chi-squared test to determine whether the group scores were statistically significant. Second, the group scores were evaluated to determine whether differences between groups for each question were significantly different. This test involved the "extension of the median test," a form of chi-squared test suitable for small samples (Cochrane 1954). Third, the differences between groups for composite scores was tested for significance using the Kruskal–Wallis one-way analysis of variance (Kruskal and Wallis 1952). In this study $p < 0.05$ was considered statistically significant.

Results

Likert-scale scores provide a general sense of the level of agreement for each statement. For this study, the scores are divided into two categories: those that are statistically in agreement with the statement, called "agree," and those that are not, called "neutral" (Table 1). There were no statistically significant "disagree" scores. Comments to the open-ended question are included with the following results.

Looking first at the primary goal statements, all groups "agree" with statement 1 that the CJRP "enhances coordination" between agencies. Differences between scores are not significant. Corporate officers provided the highest score and several commented about the effectiveness of the process in coordination. As one corporate officer wrote, "The strength of the CJRP is that it provides a forum to coordinate the review processes of Federal, State, and Local governments with some overlap of jurisdiction." Similar comments were offered by agency staff. A federal staff member commented, "Since we started the CJRP cooperation between Federal and State agencies has improved markedly. In fact, we now deal frequently with State agencies that prior to CJRP we hardly knew even existed."

Statement 2, "enhances participation," received "agree" scores with one exception, environmental leaders who were "neutral." Corporate officers gave this statement the highest score of the survey. Differences between the highest and lowest scores, although substantial, are not significant ($p < 0.07$). The mean score for environmental leaders masks high variation, ranging from "disagree" to "strongly agree," within the group. Comments offered by corporate officers and environmental leaders support their scores. Corporate officers uniformly called the number of public hearings, meetings, and other public events "overkill." Environmental leaders, reflecting the diversity of the group, had mixed comments. Positive statements included, "It allows for clarification of information and identification of important issues," and "I do obtain more information than I would otherwise." Negative

Table 1. Response to Likert-scale[a] statements by group with composite score for all statements.[b]

	Federal agency staff (n = 11)	State agency staff (n = 10)	Local agency managers (n = 9)	Corporate officers (n = 9)	Private consultants (n = 9)	Environmental leaders (n = 6)
Primary goal statements						
1) "Enhances coordination"	4.09m**	4.10**	4.11**	4.33**	3.88*	4.00**
	.51sd	.53	.56	.66	.87	.00
2) "Enhances participation"	4.00*	4.00*	3.88*	4.66*	4.22*	3.16
	.95	.77	.99	.47	.78	1.21
3) "Strengthens communication"	3.90**	4.20**	4.44**	4.33**	4.11**	4.16**
	.54	.74	.68	.94	.56	.37
Secondary goal statements						
4) "Increases information"	4.27**	4.20**	4.22*	3.88*	4.22*	3.50
	.44	.60	.78	.73	.62	.95
5) "Improves alternatives"	3.54*	3.80*	4.00**	3.77	3.33	2.50
	.65	.87	.47	.91	.81	1.11
6) "Resolves problems early"	3.81*	3.80*	4.11**	4.00*	3.55	3.16
	.83	.40	.56	.94	.68	.89
7) "Stops bad projects"	3.00	3.30	3.77	2.88	3.00	2.00
	.85	.90	1.03	.73	.66	.81
8) "Reduces time"	3.63*	3.30	3.44	3.22	3.33	3.50
	.64	.64	.95	.91	.81	.50
9) "Saves money"	3.27	3.30	3.66	3.66	3.66	3.50
	.74	.64	.94	.81	.94	.50
Summary statement						
10) "Retain CJRP process"	4.18**	4.00**	4.44**	4.11**	3.88*	3.16
	.57	.77	.68	.87	.87	1.06
Composite score	37.69	38.00	40.07	38.84	37.18	32.64

[a] Likert-scale used: 1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, and 5 = strongly agree.

[b] m, mean; and sd, standard deviation.

* Significant at $p < 0.05$.

** Significant at $p < 0.005$.

comments included, "The CJRP meetings became simply a forum for companies to update the public . . ." and "Continued complaints and input from my organization were ignored."

The third statement, that the CJRP "enhanced communication" between agencies and project proponents, received "agree" scores from all groups. There are no statistical differences between the groups. Numerous comments were offered in support of this benefit of the process, including the following by a corporate officer: "It [the CJRP] provides an opportunity to identify the issues of common concern to all interested parties early in the process."

Looking next at the secondary goal statements, all groups except environmental leaders "agree" that the CJRP "increases information"—statement 4. Environmental leaders are "neutral." The differences between groups are not significant. Professionals, the group perhaps the most involved with information in the process, gave this statement uniformly high scores.

Statement 5, "improves alternatives," received strongest support from local agency managers. Environmental leaders' scores were the second lowest of the survey. The difference between local agency managers and environmental leaders is statistically significant ($p < 0.05$). As with statement 2, the mean score for environmental leaders masks a high level of variation, from "strongly disagree" to "agree." The difference between high and low groups is again expressed in the comments. An environmental leader stated that ". . . the process did not assist in developing alternatives . . .", while a local agency manager wrote "The process provides a forum for people to get together and identify alternative solutions to problems."

Statement 6, "resolves problems early," involved a similar concept—generating solutions within the permit process. Group scores and comments were similar to those of statement 5, but differences between scores were not statistically significant.

Most groups gave their lowest score of the survey to

statement 7, "stops bad projects." None of the scores is significant but differences between the highest score (local agency managers) and the lowest score (environmental leaders) is significant ($p < 0.005$). At least a portion of the low score can be attributed to the subjectivity of the terms "bad" and "good." Several corporate officers, managers, and consultants noted they scored the statement neutral because of this ambiguity. The two extreme groups, however, did not express this problem. Environmental leaders commented that "In no case was a bad project ever stopped or revised due to CJRP, therefore it's essentially useless from a public interest standpoint." The local agency managers' countered with such statements as ". . . the CJRP expedites decision making and prevents project approval or disapproval from being dragged out. . . ."

Statements 8 and 9, regarding time and money, received relatively uniform low scores; all but one were "neutral." The exception was federal agency staff who "agreed" that the CJRP "reduces time."

Looking finally at the summary statement, statement 10, five groups "agreed" the process ". . . should be retained"; environmental leaders were "neutral." Strongest support came from local group managers. The scores for this statement generally reflect scores for the primary and secondary goal statements, with exceptions. Local agency managers scored this statement equal to their highest score for a primary goal statement while environmental leaders scored this statement equal to their lowest score for a primary goal statement. Composite scores for all ten questions approximate those for statement 10. Environmental leaders have by far the lowest composite score, statistically different than the score for both local agency managers ($p < 0.05$) and corporate officers ($p < 0.05$).

Discussion

The pattern of scores can be interpreted by comparing scores of three groups mentioned earlier: developers, professionals, and environmentalists. Gladwin (1980) and numerous others have identified the developer versus environmentalist confrontation as central to the permit problem. Susskind and others (1978) have provided more specific information about the nature of the conflict. They specifically note differences in how the two groups evaluate development, noting differences in how the groups appraise long-term impacts, evaluate risks to the environment, and view the necessity of resource conservation. In the developer versus environmentalist scheme, the professionals are intermediaries, outside the central concern and focused primarily on the specific tasks associated with permitting.

The relationship of the three groups to the CJRP is quite different and is expressed moderately well in the scores. Developers, including corporate officers and most local agency managers, desire that the projects get through the permit process. To the extent the CJRP increases the chances of a project receiving its permits, these groups support the process. Hence, since these groups found the process effective at achieving coordination among agencies and communication between agencies and project sponsors (statements 1 and 3), they also favored retaining the process (statement 10). Environmentalists—and they are recognized in this study to be a diverse group—tend to be against development. To the extent the CJRP increases the chances of a project receiving its permits, they are against the process. Hence, since this group found the process effective at both coordination and communication, they were not in favor (neutral) of retaining the process.

For professionals, any process that resolves practical problems of coordination, participation, and communication facilitates effective permitting and makes their job easier. Thus, professionals who found the process effective in these areas also felt the process should be retained. Private consultants scored somewhat lower than agency staff on whether the CJRP should be retained. This score, although not significant, may reflect the fact the CJRP tends to diminish the role of private consultants in the permit process. Agency staff, and in particular the CJRP staff, take over much of the coordination role previously held by consultants. Thus, this group cannot be expected to support the process at the same level as agency professionals. (Personal communications with several consultants serving as project coordinators for major projects in Alaska support this interpretation.)

If this discussion is correct, the CJRP favors development. There are no statements of intent within CJRP literature to suggest the process is intended to do more than remove "unnecessary problems." The process in no way modifies the legal obligations of each regulatory agency toward its permits. Still, the CJRP tends to favor a project within the process, compared to a project outside the process, in three ways.

First, the CJRP provides directions to get through the "permit maze." All groups "agree" that the process helps coordinate agencies and their permits. To environmental leaders, the number of permits and the high level of disorganization has been an asset. As one environmentalist stated, "We thrive on the red tape" (Marinelli 1980). Concerning the effect of the CJRP, one environmental leader commented that "People who would otherwise not have the skills to put together a good project are helped to put it together by

the State. Maybe foundering around on their own would have been the best weeding out device for ineptitude."

Second, the CJRP may also favor development by a "proactive" effect on project design. Historically, developers have approached agencies for permits only after the project was designed. By the time agencies saw the project, the corporation was heavily invested in the design both financially and emotionally. Design changes recommended by agencies were considered costly and threatening. By strengthening the communication between the project proponent and the agencies, particularly early in the process, the CJRP may produce better project designs in terms of permit requirements. Developers and most professionals "agreed" with the statements (4, 5, and 6) related to this issue.

Third, the process may favor development by reducing the number of procedural errors made by agencies. Procedural errors have been the primary focus of litigants opposing projects (Gladwin 1980). As Marinelli (1980:16) stated: "Many environmentalists are extremely wary of efforts to streamline the regulatory process. Local groups in particular, lacking the fat pocketbooks of the [developers], have often counted on their ability to stop an unwarranted project on procedural grounds, by delaying a project out of existance." As the process removes procedural errors, it reduces the threat of future successful litigation. By doing so, it may also reduce the relative importance of environmental groups in the process.

Environmental groups, if against development, can be expected to oppose the CJRP for two additional reasons. First, the CJRP is the most comprehensive type of permit reform to date, going substantially beyond the other permit reforms noted by the EPA (1982). The effect of the CJRP on the permit problem may be substantially more than other reforms and thus be more threatening to antidevelopment interests. In conjunction, the CJRP is applied to the most-threatening projects, the major projects that often involve substantial modification of large areas. Second, the CJRP may set a precedent. Referring again to Marinelli (1980:16): "Many environmentalists fear that so called procedural reform could open the door to a host of more dangerous changes."

The final item on the survey asked respondents to describe the strong points of the CJRP and to recommend changes. The strong points centered on the primary goals—coordination, participation, and communication. Most comments have been noted earlier. A specific improvement of the CJRP offered by several people was that the "face to face" discussions possible in the planning team meetings was a major improvement over the previous individual meetings and communication by correspondence.

One "strong point" stood out above the rest—the staff. Respondents uniformly noted the importance and quality of the staff. One corporate officer wrote that the "Colorado staff are good coordinators"; a local agency manager agreed that the CJRP has had "several very capable managers"; and an environmental leader stated that "The best thing about the CJRP is the staff."

Suggested improvements focused on two areas: making the process mandatory and revising specific procedures. Concerning the first issue, several local agency managers and corporate officers argued that the process should be mandatory. As a voluntary process, they argued, it is too easy for federal and state agencies to only "pay lip service" to the process, forcing additional hearings or causing other delays and extra work. One corporate officer suggested a "federal–state agreement (governor and Secretary of the Interior/Agriculture) mandating agency cooperation. . . ." A local agency manager recommended that "The best way to improve the CJRP would be to make the process mandatory" and several others added comments about giving the process "teeth."

Concerning specific procedures, individuals within groups tended to recommend similar changes. Corporate officers argued for stronger issue identification early in the process and for a simpler hearing schedule. Consultants argued for stronger procedures for identifying the lead agency, clearer agency responsibilities, and more capable local agency participants. Several federal agency managers suggested that the number of planning team meetings was excessive. State agency managers felt that the process may not always provide adequate time for staff review and responses. Local agency managers and environmental group leaders did not offer specific procedural changes.

Conclusion

This study suggests that the CJRP provides a variety of benefits, from intangibles such as improved participation to tangibles such as time and money. Further studies are needed to determine whether the benefits of the CJRP outweigh the costs, particularly the financial costs of the CJRP program. The program costs the state of Colorado about $150,000 per year, or about 1% of the DNR budget. Improvements in interagency coordination, as identified in this research, should lead to savings in time and personnel costs within other state agencies, and to savings to other agencies outside the state, to interest groups, and to

the public. Corporations, of course, would enjoy documentation of the savings in time and money offered by the CJRP.

Another area of research concerns the public's evaluation of the process. This survey found a high level of agreement among respondents that the CJRP enhances public participation, but the groups probably do not represent the public well. A clearer understanding of the public's perception of the CJRP may be important to both its function and its future. Several comments made by respondents suggest that the public is somewhat disappointed in the CJRP, that the public "views it as a panacea—as a body capable of working out all problems. When the process does not produce solutions they become disenchanted and drop out." Some form of public education about the role and capability of the CJRP may be required to produce effective public participation and to ensure long-term public support.

Related research is needed to focus on how public comments are used in the process. This is particularly appropriate to the CJRP where public participation opportunities are high. As an indication of the level of opportunity to participate, no group in the survey suggested procedural improvements, such as more hearings or more information meetings. Rather, the only critical group—environmental leaders—focused their comments on being "ignored." Research is needed to examine the extent to which input from the public and special interest groups is currently used and how much it should be used in determining whether a permit should be issued. This issue is particularly relevent to a problem-solving process such as the CJRP where the public can provide information and alternatives that influence the design of the project. Improvements might include clarifying how input is currently analyzed and used or rejected, and in developing clear procedures for review that assure the public their comments will be fairly heard. Clearly, some environmental leaders felt the process unfairly eliminated the "no project" alternative they favored.

This perception is possibly accurate, introducing a final area of research—staff participation in project design. As noted earlier, the CJRP is a "proactive" process. Agency staff, rather than simply reviewing a designed project, actually help design the project. As trained professionals, agency staff can bring a wealth of information and alternatives to bear on a project, possibly helping corporations design a project of a quality they could not design alone, or without substantial cost in hiring equivalent talent. The current level of agency staff design is believed to be relatively low, but still could be a significant factor in the number of projects permitted. The effect of staff involvement in design may go beyond improved project design. Can a designer also be the reviewer? As a designer, staff may develop "ownership" of the project, which could lead to a biased evaluation. More research is needed to examine the proper role of agency staff in a problem-solving style process such as the CJRP.

The CJRP is a major new type of permit reform. It is substantially different than other permit reforms, such as "computer tracking," "over the counter" permit processing, or "joint hearings." These other strategies are, for the most part, not appropriate for large projects. The CJRP should be viewed as a complementary process used only for major projects where the benefits outweigh the cost of the staff and facilities. The CJRP is the type of process a state might not use all the time, but would rather have "on-hand," ready to be applied early in the design phase of a proposed major project.

The process is flexible and has already been applied to a wide range of projects. With the decline in mining and energy projects in the 1980s, the DNR has been further broadening application of the CJRP. The Center for the Improvement of Public Management (Center 1986) has proposed that the CJRP be applied in Colorado to such major projects as water diversions, highway and airport planning, commercial and industrial development planning, siting of hazardous waste dumps, and other special projects, such as the University of Colorado's Superconducting Super Collider.

Other states might benefit from the Colorado experience. Alaska, for example, might have used the process to coordinate permitting of two recent major projects: the Cominco Red Dog Mine near the Chukchi Sea and the Susitna Hydropower Project north of Anchorage. The former survived five years in the permit process and is currently under development; the latter has been temporarily abandoned, in large part due to permit problems caused by project proponents completing the project design before entering the permit process. If developed in Alaska, a CJRP-type process could complement existing reforms while providing the "management overlay" needed for anticipated future resource development projects.

In summary, the CJRP has earned a measure of approval from those groups most familiar with it. The results support the conclusion that the CJRP is an important new strategy of permit reform worthy of both further research and wider application.

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Colorado Water Plan – Documentation of Input Received on 11/06/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
11/6/13	Charles Howe	Email to cowaterplan@state.co.us	1, 5.6	Comments regarding water markets	Body of email only

STATE OF COLORADO

McIntire - DNR, Kate <kate.mcintire@state.co.us>

State Water Plan: A great Undertaking.

Charles W Howe <charles.howe@colorado.edu> Wed, Nov 6, 2013 at 1:50 PM
To: "cowaterplan@state.co.us" <cowaterplan@state.co.us>

One of the great backers of a State Water Plan was David Getches, one of our most respected water leaders and educators. He would be proud to see this effort proceeding.

We must be realistic about what is achievable: even Rep. Hoppe's statement of objectives is somewhat unrealistic in that she implies that no sector of the State economy should be caused to change from its historical trajectory of production and water consumption. However, it is clear that agriculture will continue to transfer water to other sectors and *it is in agriculture's interest* to be free to transfer water. Water is the wealth of all irrigation farmers, wealth on which they depend for productivity maintenance, retirement and handing over to the next generation. The real key is *to provide a policy framework in which only the least productive agricultural uses of water will be transferred. Farmers themselves will make the correct decisions, provided they face an effective low cost water market in which they can get the highest price without facing undue legal and cultural restrictions.*

The State Water Plan must, therefore, provide for effective water markets under rules that generally accord with our historical priority doctrine but that avoid excessively strict rules regarding injury, speculation and establishment of conditional water rights. [Chuck Howe (Charles W.), Professor Emeritus of Economics, UCB]

pppp

Chuck

Chuck (Charles W.

Colorado Water Plan – Documentation of Input Received on 11/07/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
11/7/13	Steve Glazer	Email to cowaterplan@state.co.us	5.11, 7	Comments regarding water quality	Text within email only

STATE OF COLORADO

McIntire - DNR, Kate <kate.mcintire@state.co.us>

CO Water Plan comments

Steve Glazer <,
To: cowaterplan@state.co.us
Cc:

Thu, Nov 7, 2013 at 5:03 PM

There are a few changes in water law that could help integrate water quality protection into the Water Plan. They are based on the presumption that depletions can be an impairment to water quality.

Sec. 25-8-104 states that water quality cannot impede the development or enjoyment of water rights. This could be fixed by either eliminating or reversing that statute to say that water rights should not cause a significant impairment to water quality. This has implications to Colorado's implementation of the Clean Water Act which includes an embodiment of Sec. 101(g) of the CWA.

We can adopt a Colorado Environmental Quality Act which would require an assessment of impacts of water development and mitigation needed to address those impacts. To prevent this from becoming too much of a burden for small projects, there could be an exemption for applications under ??? a/f.

Another approach would be to modify the Constitution to condition the right to appropriate water that is put to a beneficial use. Conditions can be defined similarly to mitigation.

These legislative changes could also be used to blunt the effort to implement the Public Trust as it relates to water.

Another concern I have is how the CWCB plans to create an "adhoc" committee to assist in the development of the Water Plan.

These ideas are just a starting point for further discussion.

Respectfully submitted by
Steve Glazer

Colorado Water Plan – Documentation of Input Received on 11/07/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
11/7/13	Several non-governmental conservation, community, recreation and sportstmen organizations: American Whitewater, American Rivers, Conservation Colorado, Enviromental Defense Fund, High Country Citizens' Alliance, Theodore Roosevelt Conservation Partnership, Western Resource Advocates	Email to cowaterplan @state.co.us	5, general	Comments regarding the importance of environment and recreation; the document lays out several principles in support of these values	Document titled Conservation Position and Principles for Colorado's Water Plan

STATE OF COLORADO

McIntire - DNR, Kate <kate.mcintire@state.co.us>

Colorado's Water Plan - principles

Thu, Nov 7, 2013 at 4:51 PM

To:
Cc:

<, cowaterplan@state.co.us,

Dear James,

Attached please find some principles that a number of non-governmental conservation, community, recreation and sportsmen organizations would like to see incorporated into Colorado's Water Plan. We ask that you forward these to your Board members for their consideration.

Thank you, Melinda

Melinda Kassen, JD

Boulder, CO 80304

NGO Principles.pdf
232K

November 7, 2013

FROM:

American Whitewater
American Rivers
Conservation Colorado
Environmental Defense Fund
High Country Citizens' Alliance
Theodore Roosevelt Conservation Partnership
Western Resource Advocates

Conservation Position and Principles for Colorado's Water Plan

I. Overview

Water has long been recognized as the lifeblood of Colorado and the rest of the West. Since the mid-19th century, Coloradans have applied their ingenuity to harnessing a reliable supply of water to irrigate agricultural fields and fuel our growing cities and towns. We've now reached a point at which our water sources are increasingly under strain; ingenuity is more important than ever.

The ecology of our rivers and streams, and the enormous economic stake that depends upon healthy rivers, necessitates that Colorado pursues a new approach to water policy that incorporates both our current physical reality and our modern economy. By maximizing the utility of each drop of water, we can balance the needs of the state's growing communities, agriculture, recreation and the environment.

Our organizations are encouraged by the Governor's May 2013 Executive Order which requires Colorado's Water Plan to incorporate the following values:

- A productive economy that supports vibrant and sustainable cities, viable and productive agriculture, and a robust skiing, recreation and tourism industry;
- Efficient and effective water infrastructure promoting smart land use; and
- A strong environment that includes healthy watersheds, rivers and streams, and wildlife.

We fully support these values and offer the following principles to implement them directly in Colorado's Water Plan and the Basin Implementation Plans. We believe Colorado's water future deserves 21st century problem-solving that is every bit as innovative and courageous as the vision and grit that sustained our 19th and 20th century forbearers.

II. Our Vision

Healthy rivers are—and always have been—essential to Colorado's heritage, identity and way of life. Our rivers inspire and sustain millions of residents and visitors every year. They are a critical driver for our state's economy. Each year, river-related recreation supports tens of thousands of jobs and produces billions in economic output.

Healthy river flows also sustain wildlife. Keeping vulnerable river-dependent species healthy and resilient preserves flexibility in future water development and river management. And protecting aquatic species before the law has to step in and protect them keeps open a wider range of options for the future.

A key first step to tackling these issues is to realize that the era of free water is over. Due to long-term drought and an increase in water demands across the state, we face the increased risk of over-developing supplies across the State. And this situation will likely get worse in the future. We need to apply great scrutiny to any proposal that would move additional water between basins.

Colorado's water challenges are solvable, but only if we act wisely and now. Solving the State's water challenges now—rather than after the rivers are harmed irreparably—will ensure that we maintain Colorado's important river resources.

III. Solutions—developed collectively—should involve common-sense and cost-effective components:

A. Growing urban areas should take all steps possible to be self-sufficient and avoid costly water imports that negatively impact other communities and river-related values.

Principle 1: Urban water providers should commit to high water conservation targets inside their local plans and in basin implementation plans (BIPs).

- Water efficiency is the cheapest, fastest way for communities to meet their water needs and become self-reliant. Technologies exist that will allow us to be much more efficient with our water, but implementation requires political will.
- Water providers should show how they will meet the "high" level of savings articulated in SWSI 2010.
- State funding (and, if necessary, legislation) should incentivize reaching these targets; e.g., CWCB must limit grant & loan programs to those meeting conservation and efficiency standards.
- Colorado should partner with counties, land use planners, and water utilities to embrace integrated planning that will lower the water footprint of new urban development.
- Consumers have an obligation, as well, to commit—house by house and business by business—to use water wisely and efficiently. Water providers can assist them, through providing education and clear actions available for consumers to take.

Principle 2: It's time to refine the location and timing of the Front Range's municipal water "gap."

- Water is ultimately a local issue; specific projects and processes must be tailored for specific needs.
- Colorado must highlight specific geographic areas and timeframes where new demands are likely to outstrip supply.
- Once needs are specifically understood, water supply solutions should be targeted to meet specific gaps.

Principle 3: Water re-use/recycling projects are the infrastructure of the future.

- Existing trans-basin diversion water and non-tributary groundwater should be re-used to extinction (to the extent allowed by law) before further imports are approved.
- State funding should incentivize an acceleration of re-use.
- Federal funding (e.g., through Title 16 grants) may enable implementation.

Principle 4: The solution for the Front Range is not a large new trans-basin diversion from the Colorado River Basin.

- Once specific water needs are articulated (i.e., the "gap" is localized), some small-scale storage may be needed, for example, to enable use of water that becomes available through conservation, temporary agriculture transfers, and re-use.
- Significant new depletions from West Slope rivers, in contrast, are not tailored to specific water needs and are extremely costly. They risk over-development of the Compact and adverse effects to recreation, rural communities and the environment. As a result, these projects are controversial, divisive, and generate great uncertainty about federal permitting and financing.

B. Agriculture must be part of the State's water solution as more than 85% of the water used in the state is used for irrigation. The agricultural community has the opportunity to modernize its water infrastructure and irrigation practices and find ways to share water with neighboring users and with cities and to make water available for instream flows while maintaining or improving net agricultural productivity and profitability.

Principle 5: Creative water-sharing agreements (Alternative Transfer Mechanisms) can support agriculture, meet growing communities' needs, and protect Colorado's rivers.

- The State should support water sharing agreements—ones that are voluntary, compensated, temporary, and flexible—to help meet future municipal and healthy flow needs while making agriculture more profitable.
- Funding, criteria, and new legislation may be needed to make this happen.
- Water rights need to be respected. Farmers should be rewarded for conservation practices, efficiency improvements, and sharing.

- The State should create incentives to encourage infrastructure improvements that benefit agricultural operations, healthy flows, recreation, and rural community values.
- Some small-scale storage may be necessary to help agriculture manage their water more efficiency and provide late season flow needs for rivers and farms.
- A healthy agricultural industry is important for the region's economy and critical for rural communities throughout the state.

C. Healthy rivers are a vibrant component of the State's identity, economy and way of life. A State Water Plan must include specific measures to protect and restore these resources.

Principle 6: Structural projects should avoid adverse impacts to instream values and the health of local communities.

- Rural Colorado's economy rests heavily on river-dependent agriculture, tourism and recreation.
- Many urban areas celebrate the recreational and environmental amenities of their rivers; new and existing water uses should protect, if not enhance, such amenities.
- Projects should have, as a pre-requisite to approval, support from local communities to protect healthy flows and vibrant local economies.
- Projects with multiple beneficiaries are often preferable to single-purpose projects.
- Mitigation for projects must leave adequate river flows to support recreational uses and healthy ecosystems under all future scenarios, even if water availability decreases due to climate change [i.e., the risk of climate change or long-term drought should not be borne by the river].
- Risk management and environmental metrics should be developed to analyze impacts of proposed new supply projects and their compatibility with other consumptive and non-consumptive needs.
- Rebuilding infrastructure damaged by flooding or other disasters should respect and maintain the ecosystem values of river channels and floodplains and ensure future resiliency to variable climate conditions.
- Innovative water management of existing supplies can help protect flows for the environment, recreation, water quality, without adversely affecting yield and while continuing to meet our compacts obligations to downstream states.

Principle 7: Basin Implementation Plans and Colorado's Water Plan should include a timeline to complete meaningful processes or projects that protect and restore healthy rivers and streams (a/k/a non-consumptive needs).

- Colorado needs to play a greater role in protecting and improving our rivers—not just in avoiding additional harm, but in pro-actively protecting and restoring them.
- Meeting the environmental and recreational needs previously identified inside each basin, as spelled-out in their needs assessments, is an important first step to support the state's valuable recreation and tourism industry, as well as quality of life for all.

- The BIPs and the Plan should lay out timelines to meet in-stream values. Each BIP should include multiple, meaningful projects or processes that meet identified non-consumptive gaps to ensure we approach meeting these needs with parity to the attention paid to consumptive projects.

Principle 8: All stakeholder groups and the concerned public must have a clear avenue for input.

- The BIPs and Plan will impact millions of Colorado citizens who are unfamiliar with the Inter-basin Compact Committee, the Basin Roundtables and the CWCB. These citizens also are unfamiliar with the technical nature and language associated with these planning processes.
- The State must provide new forms and forums of public notice and opportunities for input, through a concerted outreach effort to concerned citizens, city and county governments, local businesses, and sportsmen groups.

IV. Summary

Colorado's Water Plan will set the course for the future. It is critical that we do this right. It's essential the Plan protect the State's economy, environment, and unique way of life. The principles noted above are foundational to building a future we can all be proud of.

Sincerely,

Nathan Fey
American Whitewater

Ken Neubecker, Colorado River Basin Roundtable member
American Rivers

Theresa Conley
Conservation Colorado

Jennifer Pitt
Environmental Defense Fund

Jennifer Bock, Gunnison Basin Roundtable member
High Country Citizens' Alliance

Melinda Kassen, IBCC member and consultant to
Theodore Roosevelt Conservation Partnership

Bart Miller
Western Resource Advocates

Colorado Water Plan – Documentation of Input Received on 11/07/2013

Date	Input Provided By	Method of Input Submission	Related Sections of CWP Framework	Summary of Input	Documents Submitted for Review
11/7/13	Northwest Council of Governments Water Quality/Water Quantity Committee	Email to Kate McIntire, forwarded to cowaterplan@state.co.us	general	Revised West Slope Principles document including a cover letter and updated list of jurisdictions endorsing document	Revised West Slope Principles document

WATER QUALITY / QUANTITY COMMITTEE (QQ)

Post Office Box 2308 • Silverthorne, Colorado 80498
970-468-0295 • Fax 970-468-1208 • email: qqwater@nwccog.com

November 6, 2013

RE: West Slope Principles for the Colorado Water Plan

The attached West Slope Principles for the Colorado Water Plan ("Principles") is a set of broad values and principles designed as a guide to the Governor and the Colorado Water Conservation Board ("CWCB") during preparation of the Colorado Water Plan ("CWP"). The Principles reiterate and augment water policy statements adopted by the key west slope organizations over the years.

The Principles were prepared by local government officials, basin roundtable members, and other water leaders on the west slope. The goal is that these Principles inform the CWP process by expressing commonly-held west slope interests.

A list of the entities that have officially endorsed the Principles is attached.

West Slope Principles for the Colorado Water Plan

1. **Solutions in the Colorado Water Plan (CWP) to supply water for growth and development in one part of the state should not over-ride land use plans and regulations adopted by local governments in the part of the state from which water will be taken.** [1,2,3,4,5,6,7]

   1.1 No new water supply projects or major changes in operation of existing projects should be planned unless agreed to by the county, conservancy district, and conservation district in the area from which water would be diverted. [1,3,5,6,7]

   1.2 The CWP must take into account pending projects, water supply plans, comprehensive land use plans, local regulatory authority, water quality plans (208 Plans), watershed plans, multi-party water agreements and related documents adopted by local governments in the area from which water would be taken. [1,2,3,4,5,6,7]

   1.3 Both the legislative basis and the legal impact of local government regulatory tools adopted to mitigate impacts of water projects should be recognized and protected. [3,6,7]

   1.4 The CWP should never elevate the agricultural interests in one part of the state over the agricultural interests in another part of the state to meet the demands of Front Range development. Agriculture is an important segment of the state's economy as a whole. Agriculture provides food independence, open space, wildlife habitat, cultural value, and economic activity wherever it is located.

   1.5 Any new supply projects taking water from one area of the state to another should include funding for "compensatory projects" to serve the area from which the water is taken. [7]

2. **The CWP should protect and not threaten the economic, environmental, and social well-being of the west slope.** [1,2,3,5,6]

   2.1 The cornerstones of the west slope's economy are tourism, recreation, agriculture, and resource development, all of which are highly dependent upon water to be successful. The CWP should not facilitate additional diversions that could threaten the region's environmental, social and economic well-being. [1,2,3,6]

   2.2 To educate the public about existing conditions on the west slope, the CWP should identify the location and amounts of water that are already diverted every year from the west slope to the east slope, and discuss the historic and current consequences of those diversions. [1,2,3,6,9]

2.3 The state should not facilitate, politically, financially, or legally, any new water supply projects from the Colorado, Yampa/White or Gunnison River Basins to the Front Range without the consent of the county, conservancy district, and conservation district in the basin of origin, and unless impacts are avoided and mitigation is provided. [1,2,3,6 7]

2.4 New supply projects that involve storage on the west slope must make a significant amount of water available to west slope water uses. New supply projects that involve storage of west slope water in an east slope storage project must provide compensatory storage to protect existing and future west slope water uses, as well as the environmental and non-consumptive needs of the basin of origin. [7]

2.5 The CWP must protect investments in public water and wastewater facilities by ensuring that costs to upgrade and operate these facilities do not increase because of Front Range water projects.[5]

2.6 The CWP must afford recreational in-channel diversions and CWCB instream flows the same status as other water rights that are protected under Colorado law. [3,6] Other west slope non-consumptive water needs must be factored into the CWP.

2.7 Water quality protection efforts of the west slope must be respected and enhanced by the CWP. [4,5,6]

2.8 The historic use of west slope agricultural water rights provides a river flow regime that is relied upon by all west slope users and must be maintained. [8]

3. **The CWP should identify a process and requirements for each basin to exhaust available water supply within its own basin before planning diversions from another area of the state.** [1,2,3,7]

3.1 Transmountain diversion water should be re-used to extinction to the extent allowed by law, before any proposed new supply development focuses on further west slope water supply. [1,2,3,6,7]

3.2 Re-allocation of existing supplies in areas that need more water should be evaluated (e.g. rotational fallowing, changing to new uses, deficit irrigation).[1,3,6,7]

3.3 Front range infrastructure and water should be shared to meet future demands (e.g. WISE). Laws and regulations that improve such sharing should be considered.

3.4 New Front Range in-basin projects should be pursued to fully utilize in-basin supplies (e.g. Chatfield Reallocation, SDS, Arkansas Conduit, indirect and direct

re-use, gravel pit storage projects), including maintaining and enhancing existing storage facilities. The CWP should encourage and facilitate dredging to keep capacity, and streamline efforts to enlarge storage by dredging when practical.[3,6]

3.5 The CWP should promote mechanisms to reduce demand through agricultural or municipal efficiency/conservation, land use and smart growth policies that further water conservation, and controls on water usage.[3,6,7] Under no circumstances should agriculture be penalized for switching to more efficient water use methods.

3.6 The CWP should reject proposals for water to supply new development when and where there are insufficient water resources available to support them under all hydrologic conditions without creating risks for other water users.[1,3,6,7] Any new supply projects that rely on diversions from the west slope should be developed within the existing water rights system and not afforded special status.

3.7 Front Range areas with present and future projected water shortages should pursue collectively financing projects that provide water resources to their areas.

4. **The CWP should outline mechanisms to mitigate the risk of potential Compact curtailment of the Colorado River. For example, the CWP should adopt low-risk legal and hydrologic assumptions related to Colorado's obligations under the Colorado River Compact and the Upper Colorado River Basin Compact in order to minimize the risk of curtailment on existing uses of Colorado River basin water.[7]**

4.1 There is disagreement on how much, if any, additional consumptive use water is available from the Colorado River. Because of justifiable reliance and financial investment, existing uses and users should be protected and not put at risk by new development.

4.2 The facilities and methodologies for protecting existing users from a compact curtailment, as well as for mitigation, must be in place prior to any new project or methodology that would take additional water out of the Colorado River Basin.

4.3 The CWP must disclose that fully developing the state's Colorado River compact entitlement will increase the chance of a compact curtailment that would impact existing users.

4.4 New projects in the Colorado River Basin should be supported and approved, if at all, only on conditions that will allow diversion and storage at times and in amounts that will not increase the risk of compact curtailment of other post-Compact water rights.

5. **The State should not assume a role as a proponent of a water project until the State regulatory process has been completed and the project has been agreed to by the impacted counties, conservancy districts and conservation districts in the area from which water would be diverted.**

The above principles are taken from many sources of earlier water principles around the state. The numbers in the above principles indicate in which documents a similar principle may be found, including:

[1] Colorado 58 *Water Principles*. In approximately 1999, 58 Colorado Counties, signed onto these Water Principles, which were passed as a House Resolution as well.

[2] Colorado River Water Conservation District Policy Statement: Existing Transmountain Diversions, Adopted July 15, 2008, readopted July 2011. http://www.crwcd.org/media/uploads/20110719-policies_TMD_Existing_Projects.pdf

[3] Colorado River Water Conservation District Policy Statement: Transmountain Diversions, adopted March 16, 2000, revised and readopted July 2011. http://www.crwcd.org/media/uploads/20110719-policies_TMDs.pdf

[4] Colorado River Water Conservation District Policy Statement: Water Quality, adopted July 2010. http://www.crwcd.org/media/uploads/20100720_policy_water_quality.pdf

[5] NWCCOG Water Quality/ Quantity Committee Policies, readopted November 2012.

[6] 2012 NWCCOG Regional Water Quality Management Plan (208 Plan). http://nwccog.org/docs/wss/rwqmp_2012/Vol%201_Policy%20Plan%202012%20208%20Plan.pdf

[7] Colorado Basin Roundtable Vision Statement (Nov. 2010).

[8] Orchard Mesa Check Case, 91CW247, Water Division No. 5.

[9] I.e. Senate Document No. 80, Windy Gap Project, Windy Gap Firming Project, Colorado River Cooperative Agreement

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Eagle County
Sara Fisher, Eagle County Commissioner
Jill Ryan, Eagle County Commissioner
Kathy Chandler-Henry, Eagle County Commissioner

Grand County
James Newberry, Grand County Commissioner
Merrit Linke, Grand County Commissioner
Gary Bumgarner, Grand County Commissioner

Gunnison County
Paula Swenson, Gunnison County Commissioner
Jonathan Houck, Gunnison County Commissioner
Phil Chamberland, Gunnison County Commissioner

Pitkin County
Rob Ittner, Pitkin County Commissioner
Rachel Richards, Pitkin County Commissioner
Michael Owsley, Pitkin County Commissioner
Steve Child, Pitkin County Commissioner
George Newman, Pitkin County Commissioner

Park County
Loren Grosskopf, Park County Commissioner
Joe Tilden, Park County Commissioner
Tim A. French, Park County Commissioner
Bucky Hall, Park County Commissioner
Lee Livingston, Park County Commissioner

Routt County
Tim Corrigan, Routt County Commissioner
Douglas B. Monger, Routt County Commissioner
Steven K. Ivancie, Routt County Commissioner

Summit County
Thomas Davidson, Summit County Commissioner
Karn Stiegelmeier, Summit County Commissioner
Dan Gibbs, Summit County Commissioner

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Breckenridge
John Warner, Mayor
Ben Brewer, Council Member
Mike Dudick, Council Member
Jen McAtamney, Council Member
Wendy Wolfe, Council Member
Mark Burke, Council Member
Gary Gallagher, Council Member

Town of Crested Butte
Aaron Huckstep, Mayor
David Owen, Council Member
Shaun Matusewicz, Council Member
Jim Schmidt, Council Member
John Wirsing, Council Member
Roland Mason, Council Member
Glenn Michel, Council Member

Town of Dillon
Ronald J. Holland, Mayor
Kevin Burns, Council Member
Erik Jacobsen, Council Member
Terry King, Council Member
Mark Nickel, Council Member
R. Louis Skowyra III, Council Member
Tim Westerberg, Council Member

Town of Frisco
Gary Wilkinson, Mayor
Kent Willis, Council Member
Woody Van Gundy, Council Member
Kim Cancelosi, Council Member
Larry Sawye, Council Member
Kathleen Bartz, Council Member
Tom Connolly, Council Member

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Fraser
Peggy Smith, Mayor
Steve Sumrall, Trustee
Eileen Waldow, Trustee
PHilip Naill, Trustee
Cheri Sanders, Trustee
Vesta Shapiro, Trustee
Adam Cwiklin, Trustee

Town of Grand Lake
Judy M. Burke, Mayor,
Jim Peterson, Trustee
Benton Johnson, Trustee
Elmer Lanzi, Trustee
Kathy Lewis, Trustee
Tom Ludwig, Trustee
Tom Weydert, Trustee

Town of Gypsum (with exceptions)
Steve Carver, Mayor
Tom Edwards, Council Member
Gary Lebo, Council Member
Pam Schultz, Council Member
Richard Mayne, Council Member
Beric Christiansen, Council Member
Tim McMichael, Council Member

Town of Kremmling
Tom Clark, Mayor
Grant Burger III, Council Member
Scott Crandall, Council Member
Casey Curran, Council Member
Wes Howell, Council Member
Mark Mahomey, Council Member
Gina Schroeder, Council Member

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Silverthorne
Dave Koop, Mayor
Bruce Butler, , Council Member
Dave Anderson, Council Member
Derrick Fowler, Council Member
David Preaus, Council Member
Ann-Marie Sandquist, Council Member
Stuart Richardson, Council Member

Town of Yampa
Tom Yackey, Trustee
Brian Ashley, Trustee
Jeff Drust, Trustee
Stephanie Hayden, Trustee
Mike Lewis, Trustee
Tom Estes, Trustee

Copper Mountain Consolidated Metropolitan District
Tom Malmgren, President,
Karl Anuta, Board of Directors
Bob Bloch, Board of Directors
Ben Broughton, Board of Directors
Dave Steele, Board of Directors

Middle Park Water Conservancy District
Duane Scholl, President
Jim Lenzotti, Secretary:
Jack Buchheister, Treasurer
Michael Eytel, Member
Peg Toft, Member
Sean Flanigan, Member
Tom Long, Member

Winter Park Ranch Water and Sanitation District
Jon Westerlund, President
Bob Dart, Member
Jim Cordell, Member
Tom Newton, Member
Tom Kalan, Member

Colorado Basin Roundtable - *See attached* Colorado Basin Membership List

Colorado Basin Membership List

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At-Large Representative	Duane	Scholl	
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