

IBCC Colorado River Basin

1. July 27, 2015 CBRT Minutes

1. **July 27, 2015 CBRT Minutes – Colorado River improvements to make Windy Gap an off-channel reservoir; CWCB denial of Glenwood Springs RICD application; CBRT vote to approve 7 Point Conceptual Framework; Colorado Water Plan Second Draft presentation by Brent Newman of CWCB**
2. **Next Meeting: Aug 24, 2015, Glenwood Springs Comm Ctr, 12:00 – 4:00.**
Hydrologic modeling is on the agenda.
 - a. Monday September 14 – CBRT meeting is stepped up 2 weeks so we can comment on the Colorado Water Plan.
3. **Upcoming Meetings**
 - a. SB 14-115 hearing: August 12, Granby, Inn at Silver Creek, 6-8:00 PM.
 - b. Colorado Water Congress: Vail, August 19, at the Cascade in Vail.
 - c. September 10, 9-3:30 Colorado River District annual meeting in Grand Junction
 - i. El Nino, Lake Mead and Powell contingency planning are on the agenda.
 - d. 4 Basin West Slope Roundtable meeting in August or September will not be scheduled.
 - e. The Great Divide, a film about water in Colorado, September 24, Crystal Theater, Carbondale, and October 17 in Grand Junction at CMU
4. **Reporter: These minutes were prepared by Ken Ransford, Esq., CPA, 970-927-1200, kenransford@comcast.net.**
5. **CBRT Members Present:** Kim Albertson, Art Bowles, Caroline Bradford, Paul Bruchez, Stan Cazier, Lurline Underbrink Curran, Karl Hanlon, Mark Fuller, Mark Hermundstad, Bruce Hutchins, Diane Johnson, Greg Lanning, City of Grand Junction, Wes Mauz, Mike McDill, Louis Meyer, Ken Neubecker, Ken Ransford, David Reinertson Clifton Water, Rachel Richards, Steve Ryken, Karn Stiegelmeier, Mike Wageck, Lane Wyatt, Bob Zanella
6. **Guests:** Steve Aquafresca, Dan Beathorn Middle Colorado Watershed Council, Tyler Benton Wilson Water Group, Kathy Chandler-Henry, Don Chaplin-Director/DARCA, Steve Child, Dennis Davidson Mt. Sopris Conservancy District, Peter Fleming, Esq., CRD, Angie Fowler-SGM, Brent Gardner Smith, Mark Harris City of Grand Junction, Benjamin Hoffman Ute Water, Hannah Holm-CMU, Eric Kuhn, Brendon Langerhoizen-SGM, Victor Lee BuRec, Rusty Lloyd Tamarisk Coalition, Heather Lewin, Liza Mitchell and Carlson Schwoerer of the Roaring Fork Conservancy, Holly Loff Eagle River Watershed Council, April Long City of Aspen, Seth Mason Lotic Engineering, Dave Merritt, Colorado River District, Ashley Moffatt Resource Engineering, Brent Newman,

CWCB, Leah Opitz SGM, Laurie Rink Middle Colorado Watershed Council, Suzanne Stewart, Ryan Stitt Denver Water, Chris Treese CRD, Pat Wells Colo Springs Utilities,

7. **Grand Junction Roller Dam Rehabilitation Project.** Mark Harris, Manager of the Grand Valley Water Users Association requested \$42,500 to study the roller dam rehabilitation at Cameo in Debeque Canyon.
 - i. The proposal now incorporates hydropower revenue, a recommendation that Rachel Richards made at the June 22, 2015 CBRT meeting.
 - ii. Caroline Bradford made a motion to approve, Kim Albertson seconded, and it **passed unanimously**.
8. **South Metro Water Supply Authority request for \$10,000** to support the WISE project. Caroline Bradford made a motion to approve, Lurline Curran Underbrink seconded, and she also commented that the Wise Project provides money for West Slope water. She said that we want people to use recycled water and this is benefits the West Slope. **The motion passed**, except that Tom Clark of Kremmling opposed it.
9. **The CWCB recently approved the grant requests for weather modification proposal (cloud seeding) and the Kendig Reservoir feasibility study.**
10. **Windy Gap Reservoir Modifications**, reported by Grand County Manager Lurline Curran Underbrink. Northern Water has committed to spending \$2 million to re-route the Colorado River south of the reservoir so that Windy Gap Reservoir becomes an off-channel reservoir and the Colorado River can freely flow around it. The stream bed is armored below Windy Gap Reservoir and recent high flows have been unable to mobilize the riverbed. Stakeholders include Colorado Parks and Wildlife, Grand County, the Colorado River District, Mid Park Water Conservancy District, Denver Water, Northern Water, and Trout Unlimited. This is the weak link to reconnect the entire river.
 - a. **Environmental problems.** Windy Gap Reservoir is a forebay designed to capture water in the Colorado River so it can be pumped up to Granby Reservoir. These pumps are powered by hydropower electricity produced by Colorado River water falling from Estes Park Reservoir to the Front Range after it has been diverted through the Alva B. Adams Tunnel. Windy Gap is a very shallow reservoir on the main channel of the Colorado River. It disrupts fish passage, heats up water temperatures, its sediments harbor whirling disease, and the reservoir captures sediment that contributes to the river bed armoring downstream. To solve the armoring, Lurline said that they have to rip up the riverbed with backhoes since nothing else has worked.
 - b. Stakeholders hope to accomplish this within 2-3 years. Alternative 3 was chosen at a **cost of \$9.6 million. \$85,000 has been raised** (\$55,000 from Grand County, \$10,000 from the Colorado River District, and \$20,000 private funding from the

Upper Colorado River Alliance, a group of property owners below Windy Gap Reservoir.

11. **Denver Water's Citizen's Advisory Committee has a position open for a West Slope representative.** Karl Hanlon is dropping off the committee. They meet monthly at 5:00 PM on a set Thursday every month, and reimburse mileage. Bruce Hutchins is a member and he commented it is very interesting to learn about Denver Water. If interested, go to the DW webpage or talk to Bruce Hutchins. There are four breakfasts a year with the Denver Water Board. Calling in is problematic, and it is better to be there in person.
12. **CWCB's denial of the Glenwood Springs RICD request**, discussed by Karl Hanlon and Peter Fleming, attorney for the Colorado River District.
 - a. **The CWCB voted 8-1 to deny** Glenwood Springs Recreation in Channel Diversion RICD request over fear it would interfere with the full development of Colorado water supplies. April Montgomery from the Southwest Roundtable was the lone supporting vote. One of the CWCB's missions is to ensure that Colorado fully utilizes its compact entitlements.
 - b. **GWS asked for 1,250 cfs from April 1 to September 30, 2,500 cfs for 46 days, and 4,000 cfs for 5 days over the July 4 weekend.** Much of this RICD request is coincident with the Shoshone call for 1,408 cfs and the Cameo Call for 1,950 cfs.
 - c. **Boating is a big economic driver for Glenwood Springs.** In 2004, rafting brought in \$19m to the local economy. Glenwood Springs is weighing whether to negotiate a settlement, or go to trial. **Karl Hanlon believes a trial is likely if Glenwood Springs holds out for the higher flows now requested.** The RICD statute requires the CWCB to review RICD applications. The impact the CWCB's decision will have on a water court case is not clear. The CWCB regularly denies RICD applications; Karl hopes the judge will not place undue weight on the CWCB decision. This application was very political in Karl's opinion, as evidenced by Front Range testimony made at the CWCB hearing. RICDs are tools for economic growth in rural Colorado, but they interfere with diverting more water from rivers.
 - d. CRS Section 37-92-102(5) and (6) set forth conditions the CWCB must find in order to grant a RICD water right. Section 37-92-103(4) defines beneficial use to include RICD diversions. The Colorado Supreme Court has held that **the CWCB can only look at 5 factors in determining whether to support a RICD** – whether the whitewater park water right would interfere with Colorado's compact entitlements, whether the stream reach is appropriate, whether there is access to it, whether it would interfere with instream flow rights, and whether this would promote maximum utilization of the state's waters. An early version of the RICD bill allowed the CWCB to determine whether the amount of water claimed was

appropriate, but that was specifically struck from the version that passed. *Colo. Water Cons. Bd. v. Upper Gunnison River Cons. Dist.*, 109 P.3d 585, 598 (Colo. 2005).

e. Peter Fleming said **the CWCB votes on 3 factual determinations:**

- 1) **Will the RICD impair Colorado's ability to develop water under the Colorado River Compact?** The CWCB concluded yes, but the Colorado River District isn't sure there's much water available for further development. In any event, it can be claimed either upstream by conditional water rights with more senior priority dates, or in the 100 miles downstream of Glenwood Canyon.
- 2) **Will it impair an instream flow?** There are no ISFs in the stream reach where the RICD is claimed, although there are ISFs above and below this reach). Fleming doesn't know how a RICD can impact an ISF priority. A RICD structure could interfere with a fishery or spawning beds the ISF was meant to protect.
 - a) Grand County had to design its RICD whitewater park structure at Pumphouse to accommodate fish passage. Colorado Parks and Wildlife can address whether a RICD structure can affect a fishery. It required Grand County to spend \$75,000 to monitor for 5 years that there would be no excess sediment buildup downstream. Lurline Curran-Underbrink questioned the need for this, since the whitewater wave constructed at Pumphouse mimics rocks that are naturally in the streambed.
- 3) **Will the RICD interfere with the state's maximum utilization of its water resources?** This is generally what the CWCB focuses on. The Colorado River District is involved in every West Slope RICD. They have developed settlements where pre-compact water downstream can be substituted for post-compact upstream water rights. So, it's generally easy to get around the concern that compact rights will be interfered with.

f. **Augmentation plans are required today to develop and upstream water rights today because of the Shoshone Call's priority.** Xcel Energy holds the Shoshone non-consumptive water right with a 1902 priority date for 1,250 cfs, and a 1929 priority for another 158 cfs, 1,408 total. The Cameo Call water right is for 1,950 cfs with various priority dates.

- g. The CWCB is concerned that the **2,500 to 4,000 cfs flow** could interfere with a new TMD; these flows **exceed the Shoshone and Cameo call volumes**. Glenwood Springs has agreed they would not call the RICD water right for flows above 1,250 cfs – they could still call down 1,250 cfs. The Colorado River District believes the reasonably foreseeable development yield for the West Slope is 20,000 af on the Colorado River. That would accommodate all likely future municipal growth along the Upper Colorado River.
- h. **The CWCB's RICD findings are not binding on water court**, although a positive recommendation from the CWCB helps. Glenwood Springs believes it is close to an agreement with Denver, but not Colorado Springs or Aurora, the Homestake II partners.
- i. Fleming says this RICD is in the shadow of Grand County's RICD for 1,500 cfs. Although it did not come up in the CWCB hearing, **the CWCB denial opposes the Colorado Basin BIP** since the RICD is part of the Colorado Basin BIP. The RICD is also mentioned in the Colorado River Cooperative Agreement (CRCA). Fleming believes litigation is looming, but settlement can occur if Aurora and Colorado Springs are satisfied they can protect yield for proposed Homestake II reservoir. Most RICDs are settled before they go to trial. The CWCB has a history of challenging RICDs, but Carbondale and Basalt have settled their cases without going to court. The Gunnison RICD case wasn't settled, and Gunnison won in court.
- j. Eric Kuhn said the Colorado River District staff analyzed how much additional water is available for development. The Colorado River District and at least 20 partners including the upstream counties think that **the Colorado River above Glenwood Springs is limited to 120,000 af of additional water development**. This is embodied in CRCA, the Windy Gap FIRMing Agreement, and the Eagle River MOU. Homestake can develop 30,000 af (10,000 af to each of Aurora, Colorado Springs, and a group of 13 water providers in the Eagle River valley), but no more. **Denver holds out hope that Wolcott Reservoir can be built**.
- k. **The CRCA contemplated a future cooperative project** could develop additional water, **subject to approval by the Colorado River District and the county commissioners** where the project is located. The CRCA includes an abstention provision – entities that contract with Denver for reusable return flows agreed that they will not move forward on a project in Colorado above Grand Junction for 20 years. But, other entities on the Front Range are not bound by this such as Greeley. Kuhn thinks that future additional depletions are likely to be capped at 80,000 to 100,000 af.
- l. **The Programmatic Biological Opinion** that determined flows needed to protect endangered fish **in the 15-mile reach** above the confluence of the Colorado and Gunnison Rivers **contemplated that 120,000 more af would be diverted** out of

the Colorado River above Grand Junction. Most depletions on the West Slope are small. This deflects interest for additional water diversions to the Front Range to the Yampa and Gunnison Basins. Kuhn does not believe the CWCB staff recognizes these limits to additional development of upper Colorado River water. All of the 120,000 af are conditional water rights senior to the Glenwood Springs RICD.

i. **The Grand County RICD at Pumphouse is 2,500 cfs from 5/15 to 7/15.** This is 1,092 cfs higher than the Shoshone call right of 1,408 cfs; a constant flow of 1,092 cfs between 5/15 and 7/15 would generate 131,892 acre feet (1 cfs generates 1.98 af over 24 hours).

ii. However, this flow is not being wasted; it is helping Colorado meet its delivery obligation to Lake Powell. Rachel Richards asked, “If we are using 58% of the Upper Colorado Basin River allotment but Colorado is only permitted to take 51.75%, can’t this be argued that the river is tapped out?” Kuhn answered, “Maybe, but 58% may not be more than 51.75% share that Colorado is entitled to. The other Upper Basin states may not be taking their full allotment.” The only time 4,000 cfs will be available is in high flow years such as 2011, 2014, and 2015.

m. **The Homestake partners Aurora and Colorado Springs initially said 500,000 af was available for additional development; they reduced this to 245,000 af.** This is still twice as much as 120,000 af identified in the PBO and that the Colorado River District believes is available and likely to be developed:

Project	East Slope	West Slope
Windy Gap	30,000	
Moffat Firming	18,000	
Eagle River MOU	20,000	10,000
West Slope additional unspecified development		20,000
East slope additional unspecified development (Wolcott Reservoir to permit additional diversions from Dillon Reservoir?)	20,000	
Total both slopes	88,000	30,000

n. Caroline Bradford said Grand County did more outreach, and got users to say they would use the RICD after Labor Day. The CBRT support helped a lot too.

13. **7 Point meeting of West Slope county commissioners on July 25, 2015.** Commissioners from Montrose, Garfield, Eagle, Routt, Mesa, Gunnison and 8 other West Slope counties attended. **Garfield County prepared a statement that resembled the CBRT White Paper**, and it is a win from the CBRT's perspective according to Jim Pokrandt.
- a. Louis Meyer said that **James Eklund and Russell George presented a good case on why the 7 Points are in the best interest of the West Slope**; they said that Colorado water law does not prevent parties from negotiating to sell their water rights, so the 7 Points provide protections that the West Slope would not otherwise have. There is still concern about the details, but the 7 Points will be in the Colorado's Water Plan.
 - b. **The 7 Points do not address IPPs**, but the West Slope BOCC statement of position that Garfield County prepared after the meeting said that the 7 Points should apply to any existing diversions from already identified IPPs.
 - c. **Point 4 addresses how to avoid a future compact curtailment** and ensure that any new Front Range diversion must bear the risk that it precipitates a compact call. Eric Kuhn said Point 4 applies to existing uses and some increment of new Colorado River development such as the 20,000 af set aside in the PBO as discussed above. Denver Water and Northern Water believe their existing systems and the pending Moffat and Windy Gap firming projects are grandfathered in and not subject to the 7 Points. Yampa believes it should be permitted additional growth in that basin. **The Gunnison roundtable says**, "We don't know the impact on West Slope agriculture of protecting existing uses and whatever increment of new development. **There is no consensus on what Point 4 refers to.**"
 - d. Conservation and environmental resiliency. With or without a new TMD, the audience agreed that Colorado should have a stretch conservation goal (400,000 af from active and passive conservation). Any new diversion should ensure environmental resiliency, which describes the ecosystem's ability to recover after a temporary disturbance; the faster a system returns to equilibrium, the more stable it is.¹ Meyer said that **municipal providers must have reliable yield, and they cannot bear any risk that their water supply could be shut down** because of a Compact Curtailment. This is an issue we need to address. The 7 Points should not just be put in the Colorado Water Plan; the 4 West Slope Basins need to know how they will be operated.

¹ Ecological resilience is defined at <http://torrensresilience.org/ecological-resilience>, and is based on Holling, C.S., 1973, "Resilience and stability of ecological systems," *Annual Review of Ecology and Systematics*, Vol. 4: 1-23.

- e. Kuhn said, “It’s not a question of IPPs, rather, the issue is **how much development we can protect through conservation and water banking**; this will be a difficult question to answer.”
 - f. **What are the impacts of a Compact Call? Kuhn recommends that all four West Slope Roundtables address this jointly.** The Colorado River District has done some modeling on this. The basic problem is, **it depends on how long the curtailment is, how deep it is, and how much dams are drawn down.** What if Green Mountain Reservoir cannot fill because of a curtailment? In the first year providers do not typically suffer too much because of carryover storage. In the second year, problems arise. The Yampa is afraid it will have to shut down its coal-fired power plants.
 - g. Rachel –**There needs to be something in the Colorado Water Plan that reflects how a Compact Call would be administered.** We need to detail what a hydrologic risk is.
14. **IBCC revised the 7 Points.** At the July 13 IBCC meeting, Carlyle Currier and Stan Cazier abstained from voting in favor of the 7 Point Conceptual Framework, and Denver Metro failed to vote because it was concerned the conservation stretch goal is too aggressive. **(The Conservation Stretch Goal in the 7 Points calls for 460,000 af saved** through municipal conservation, 154,000 acre feet of savings from passive conservation like low-flow toilets or showerheads, and 306,000 af from active conservation (watering less, removing turf, etc.). Even if this was accomplished, it drops statewide gpcd use to 164 gpcd, just **barely below the low conservation gpcd goal** of 166 gpcd established in SWSI 2010).
- a. Cazier said he and Carlyle Currier did not vote to approve including the 7 Points because they wanted approval from the CBRT first. The CBRT roundtable did not vote to include the 7 Points in the Colorado Water Plan, unlike the other 8 roundtables. The new draft of the Colorado Water Plan includes the 7 Points.
 - b. Mark Hermundstad asked **if the 7 Points prevent the East Slope from purchasing West Slope water rights to fill a TMD.** Kuhn said that Eric Wilkinson of **Northern Water** and Jim Lochhead of **Denver Water** would not **agree** to this. They won’t give up the right to purchase West Slope water, nor will Tri State Generation which owns coal mines and operates coal-fired electrical generating plants in Craig. **The East Slope wants to protect East Slope agriculture at the expense of West Slope agriculture.**
 - c. **As part of the CRCA, Denver Water** agreed not to purchase West Slope water to increase their yield, but they **reserved the right to purchase additional water rights to make up for water they lose through a Compact Call.**

- d. Cazier said **you cannot get another big project out of the Colorado River Basin; the only way you can do that is to purchase senior water rights.** This is what happened in Grand County.
- e. Rachel Richards asked if we can we put in the Colorado Water Plan that **any new West Slope dams won't be filled with senior West Slope agricultural water rights** in the future. Kuhn said it is implicit in Points 1-3 that the water won't be firmed up with agricultural purchases on the West Slope. **Kuhn thinks this is implied in Point 2, and he thinks the 4 West Slope RTs should make this clear.**
- f. Lurline – At some point in the future, they will not remember what we have discussed today regarding the 7 Points. **Defining the flash points now is a good idea. The terms hydrologic risk and interruptible supply agreement have to be defined.** In the future, we need to know what the West Slope intended by these words. **How Senate Bill 80 is defined today is not what Grand County thought in the 1930s** as evidenced by their minutes from those meetings. Senate Bill 80 is the bill the US Congress passed in the 1930s to enable Granby Reservoir and the diversions to Greeley through the Alva B. Adams Tunnel.
- g. **Ken Neubecker – we should have dueling definitions** from the West Slope and the East Slope. **This is not an agreement.** We cannot force anyone to do anything based on the Conceptual Framework. There are West Slope Roundtables that don't agree with our definitions. Ken Neubecker – There's no teeth in the 7 Points. The 7 Points set a high bar, but Front Range providers can come over and try to get a TMD any time.
- h. Karn Stieglemeier – we should change our stance to improve including the 7 Points in the Colorado Water Plan, but get our definitions in the plan.
- i. **Louis Meyer – This gets us a seat at the table. We** support the 7 Points being included in the Colorado Water Plan, but need to communicate our concerns that a list of **terms in the 7 Points be defined**, our concerns on the 7 Points are addressed.
- j. Cazier responded that there is not enough time to get any changes to the 7 Points or the definitions before the Colorado Water Plan is finalized.
- k. **Lurline – we need to support the 7 Points. Instead of sending our definitions, we should send the terms we want to have defined.**
- l. Brent Newman – We recognize **the 7 Points is an ongoing discussion that will continue after December 10, 2015.** The issues we are raising were raised by other roundtables.

- m. Kim Albertson – Environmental resiliency is a good thing to have in the agreement. **It's time the environmentalists and the cowboys should get together and see this thing through.**
- n. Steve Ryken. **The legislature will take the Colorado Water Plan and define the 7 Points; it doesn't matter what we say.** They will move water to where it is needed, as the Texas legislature did when it got ahold of the Texas state water plan. Imagine the legislature debating Colorado Water Plan in light of the public trust doctrine. Whether the public trust doctrine is legally adopted or not, despite the fact that the Colorado Water Congress is raising \$100,000s of dollars to oppose it, it will be enacted in some form in Colorado someday. That is what I foresee in the future. I can't vote for this.
- o. Ken Ransford recommended that we **delay voting** on whether to include the 7 Points in the Colorado Water Plan **until we have a chance to discuss a joint position on the 7 Points with the 4 West Slope roundtables.** He suggested that we have a meeting before September 17 to try to reach consensus on the issues we are discussing at the July 27, 2015, CBRT roundtable meeting. He was concerned that the 7 Points are an agreement to agree to another transmountain diversion that has not yet been unveiled and that Front Range water providers are not obligated to follow it.
 - i. After the July 27 roundtable meeting, a conference call was held July 31 with representatives of the 4 West Slope roundtables and the CWCB, and it was decided that **there was neither sufficient time nor interest to hold a joint roundtable meeting before the September 17 deadline** to comment on the Colorado Water Plan. It was decided at this conference call that additional attention needs to be directed toward determining **how a Compact Call would be administered and what water rights would be curtailed.**
- p. Steve Aquafresca – **The 7 Points are concessions from the Front Range that we currently don't have.** It's a first step.
- q. Caroline Bradford. We should support the revised 7 Points, and we get more out of this than we lose.
- r. **Louis Meyer made a motion that the CBRT roundtable support including the 7 Point Conceptual Framework in the Colorado Water Plan,** with the understanding that key terms and provisions still must be defined to address the CBRT roundtable's concerns. Lurline Curran Underbrink seconded, and **the motion passed with 2 opposing, Ken Ransford and Steve Ryken.**

15. **Brent Newman, CWCB, described Draft 2 of Colorado Water Plan.**

- a. Brent appreciated the comments that the CBRT made after the first draft, and hopes we do that again.
- b. CBRT roundtable comments asked for more detail in Section 10 regarding.
 - i. Multipurpose projects.
 - ii. Vibrant cities
 - iii. Robust agriculture.
 - iv. Strong environment and a robust recreation industry.
 - v. Prepare for an uncertain future.
 - vi. Education outreach.
- c. More detail is provided in Section 9.4 to **improve the permitting process**. Newman said the Colorado Water Plan is not trying to streamline the permitting process by deleting certain permitting requirements since they are here to stay. Rather, the plan's emphasis is to make it more efficient and to eliminate redundant review processes. The plan **asks if it is appropriate for the state to endorse a project**. Which agencies should be involved and who should be the lead agency. The CWCB plans to create a permitting handbook.
- d. In a section on deciding the scope of what the EIS should address, the Colorado Water Plan is recommending that the **state endorse a project before the final EIS is completed** and the Record of Decision (ROD) is issued by the Army Corps of Engineers.
 - i. Rachel Richards said the state recommendation should not happen before the Final EIS is released. The Final EIS addresses public comments, and **allowing a state agency to make a recommendation before this negates the whole EIS process**. The state will be involved behind the scenes and endorse a project before the Final EIS comes out.
 - ii. Karn Stieglemeier agreed, saying **this change makes it appear that state endorsement is a given**. There might be a project that the state does not endorse. Stieglemeier wants to delay state endorsement until after the EIS and before the ROD.
 - iii. Lurline Curran Underbrink agreed, saying that while a state agency recommendation can be for denial, it is **not appropriate to have state endorsement before the final EIS or ROD**.
 - iv. Ken Neubecker asked if the **federal agencies** have been asked about this. Newman said they **have not responded to the Colorado Water Plan recommendations to make the process more efficient**. Karen

Hamilton, Chief of the Aquatic Resource Protection and Accountability Unit at the **US EPA**, **wants to meet with the CBRT to discuss this**; she does not feel that the other Roundtables have been listening to her.

- v. Mark Fuller – have another flowchart for the appeal process; that is where a lot of the delays come in.
- e. Environmental resiliency, an ecosystem’s ability to recover after a disturbance, is now mentioned in Section 6.6
- f. Stream management plans are addressed, and they should involve stakeholders, and assess geomorphic conditions.
- g. M&I, Conservation, Reuse, and Land Use. Land use was taboo 10 years ago, but the West Slope BIPs and public comments kept bringing it up. **The Colorado, Southwest, and Gunnison Basins say land and water use decisions should be coupled**, but the South Platte says that coupling land and water use decisions deserves further study, and the Arkansas Roundtable fails to address this topic.
 - i. **Stretch goal** – IBCC subcommittee recommends that Colorado reduce demand by **400,000 af yearly** by 2050 (or is it 460,000 af? This point is unclear – ed.). The Metro roundtable does not like this stretch goal because it comes off like a mandate rather than as aspirational. The stretch goal gets 154,000 from passive conservation, and the rest from active conservation techniques such as block rates, turf buy backs, changing customer behavior, etc. These are **best practices, not mandates**.
 - ii. The **water plan recommends no regulations regarding conservation and no mandates for increased housing density**. It encourages local governments to do conservation programs, and residents to do conservation.
- h. Reuse – Clarify the regulatory environment. Lochhead – we’ll do anything we can that is permitted under regulations.
- i. Funding – it is better to fund M&I infrastructure through ratepayers rather than through bonds or statewide funding. Green bonds are for environment and recreation.
 - i. Multipurpose projects – one problem is that **different entities have different credit ratings**. This makes it hard to bundle many multipurpose projects together in a single bond issue. The solution could be a **repayment guarantee fund** that the state guarantees in order to bring all partners up to the top credit rating. \$123 million is needed to meet the

10% required for a guarantee fund. \$100 million could come from the state, and the remaining \$23 million from the WSRA account, ATMs, ag conservation, or other sources.

- ii. **The water plan identifies a \$3 billion environmental and recreation project shortfall, and a \$20 billion overall shortfall. (All projects listed in the Second Draft of the plan, both non-consumptive environmental and consumptive storage projects, total up to \$1.6 billion – ed.)**
- iii. **Other funding recommendations include** a state ballot referendum, mill levy, water user fee, insurance tax, severance tax, ballot initiative to create a new tax on disposable water bottles, an equipment fee on appliances and fixtures, expanding loan program authority, or initiating a tax credit for homeowners who install efficient outdoor landscapes.
- j. On Friday, July 24, a new version of chapter 8 on the Conceptual Framework was just released. Newman admitted that, “We know it has issues, and we are representing individual basin concerns.”
- k. Ag Viability – Gunnison want technical assistance on what happens to return flows when you dry up agriculture.
- l. Next Steps for RTs
 - i. SWSI 2016 starts immediately – the roundtables should engage in this process.
 - ii. The roundtables are viewed as implementation catalysts.
 - iii. There will be continued education and outreach.
 - iv. WSRA grant funding.
- m. Defining success – There have been **24,000 comments** and 150 basin outreach meetings but Ken Neubecker noted this is **less than 1% of the population**. He is concerned that the only people getting involved are the people that have already been involved.
- 16. To comment: The public can comment at SB 14-115 hearings or through roundtable comment letters. September 17 is the deadline for comments.
- 17. **Committee to comment on the Colorado Water Plan** was formed – Ken Neubecker, Ken Ransford, Paul Bruchez, Angie Fowler, Louis Meyer, Jim Pokrandt, Lane Wyatt, and Kathy Chandler-Henry.
- 18. **Educational outreach** – Caroline Bradford. We’ve done outreach in fits and starts, and Caroline recommended we **hire someone to handle outreach**, noting that the CBRT

roundtable has \$6,000 in the budget for this. It was agreed an ad hoc group would form to make education recommendations.

- a. Paul Bruchez said that Colorado Cattlemen's Association and American Rivers would be interested in supporting this.
 - b. Lurline Curran Underbrink recommended that we hire someone to do this for pay.
19. **Other Roundtables are hiring water coordinators.** The CWCB is looking into hiring a facilitator to implement the BIP. Jim Pokrandt agreed this is a good idea, since we all have other jobs.
20. **In February 2015, one unit of water** in the Northern Colorado Water Conservancy District **sold for \$27,000, equal to \$54,000 for an af**; this is discussed in the most recent Colorado Headwaters Magazine.
21. **Public citizen comment, Patrick Hunter.** Do we want to play nice or play rough. To get the press to pay attention, we need to do something that is newsworthy. We need to get the Front Range public's support. To do that, we need to do something that is aggressive, and not necessary playing by their rules. We have to stake out our territory. That could involve getting some pro bono law firms to take on water cases. Climate change will be more and more important.
- a. The Colorado Supreme Court just **certified the public trust doctrine ballot question for inclusion on the November 2016 ballot**. If passed, a public trust doctrine would be earthshaking in Colorado.
 - b. **British Columbia** is taking action. It **just replaced its 105-year old water law with the Water Sustainability Act**. For the first time, users are being charged a fee for the amount of water used. We have prices on all other resources but **there is no charge for water use in Colorado**. By putting a price on it, albeit minor at first, it indicates that water is not free. We've outgrown the water supply, but people want to continue growing the population.
 - c. Money is needed for more conservation and efficiency projects. Where will that money come from? What I don't see enough of in the plan is an incentive to get the public to move forward and get to the goals that are in this plan. **If we have something that is worthwhile, the public will get involved**. The next step is you have to put a price on the resource.