

SOUTH PLATTE BASIN ROUNDTABLE MEETING AGENDA

Tuesday, September 8, 2015
4209 Weld County Road 24 1/2
Longmont, Colorado 80501
4:00PM-8:00PM

South Platte Basin Roundtable Business Meeting

1. Welcome/Introductions (5 min)

Meeting began at 4:10.

2. Approval of Meeting Summary (5 min)

A motion to approve the meeting minutes was made by Lisa McVicker and seconded by Sean Conway. Motion passed without discussion.

3. Agenda – additions or changes

Julio Iturreria asked the letter from HDR discussing the Interbasin Compact Committee (“IBCC”) Conceptual Framework be reviewed and the Roundtable be caught-up before discussion on the IBCC Conceptual Framework occurred, as part of Agenda Item 8.a.

Joe Frank reviewed the discussion of the Conceptual Framework and Colorado’s Water Plan (“CWP”) Section 6.3.1, recalling the animated discussion at the July Roundtable meeting and the motion to oppose any Conceptual Framework language that did not directly relate to trans-mountain diversions, the decision at the August meeting to revoke that July meeting motion following the Colorado Water Conservation Board (“CWCB”) presentations on the Conceptual Framework and CWP Section 6.3.1, and the revised August motion to support the Conceptual Framework with provisions of revised language—decided upon via electronic vote. Frank foreshadowed the discussion set to occur during the later portion of the meeting.

Jeffrey Boring asked about the relationship between the IBCC Conceptual Framework and the CWP. Joe Frank responses the Framework was a condensed version of CWP Section 8. Section 8 was essentially a broader version of the Framework. Eric Wilkinson gave background on the Conceptual Framework’s contentious history and the reasons for certain revisions. Wilkinson covered some of the issues of discussion on the Conceptual Framework from recent Roundtable meetings.

Eric Wilkinson reported there were several meetings between the July and September Roundtable meetings at which the IBCC met and discussed feedback on the CWP and the Conceptual Framework. The result of those discussions was State-provided feedback on the biggest issues in the two contentious documents. The current language loosened accountability to the conservation stretch goal to only those conservation efforts appropriate to each project, relative to numerous key factors. Wilkinson reported the language proposed by the South

Platte Basin Roundtable IBCC representatives was well received by the IBCC. Wilkinson reported the White/Yampa/Green had approved the Conceptual Framework as it originally stood (same text as was presented at the August South Platte Basin Roundtable meeting), same as with the North Platte Basin Roundtable. The South Platte Basin Roundtable had communicated concerns about the stretch goal and the language relating to the new municipal and industrial (“M&I”) projects. The Metro Roundtable had asked for additional clarity. The Arkansas Basin Roundtable approved the language as was, as did the Rio Grande Basin Roundtable. The Southwest Roundtable took no action, but the Gunnison Basin Roundtable approved under the provision that there was no provision of eminent-domain for any trans-mountain diversion.

The State also proposed language based on input they received from various discussions on the topic. As a result, the second bullet under Principal A was changed to the current language, mentioned above. Eric Wilkinson argued the revised language gave water providers more flexibility than the original language. A “covered entity”, Wilkinson clarified, was any water provider delivering more than 2,000AF of water per annum. Kevin Lusk raised concern over the standards created by the language, arguing the application of the language as a benchmark by the CWCB, was dangerous because it did not allow for enough flexibility in project development. Doug Robotham argued the flexibility was adequate enough to allow for projects to show their due diligence in attempting to address the M&I gap, without holding them to an unwavering standard of implication [of Stretch Goal standards].

4. Committee Updates

a. WSRA Needs Committee (Boring – 15 min)

Jeffrey Boring provided an update on the Water Supply Reserve Account (“WSRA”) Needs Committee, pointing out how the purpose of the meeting was to advertise the upcoming application due date and the application process. The meeting also provided insight into what the CWCB is and does. Boring reported there was \$537,959 in the Basin account, and the Roundtable was at a point where it needed to determine how it wanted to spend that money, committed entirely to the WSRA applications, or reallocated to Roundtable projects and initiatives.

Julio Iturreria responded the Roundtable should hold some money back to dedicate to the Education Subcommittee budget. He also argued some money should be reserved for miscellaneous needs. Lisa McVicker added the updated Education Action Plan would need to be submitted to the State by October and would need Roundtable feedback soon. McVicker pointed out the new budget was seeking \$6,500 for the Roundtable and the the Metro Roundtable would be doing the same. McVicker reported the Yampa/White had submitted WSRA applications for \$35,000 and the Rio Grande had submitted applications for \$40,000. McVicker pointed out the digital presence and strategy document developed by Matt Betz was a roadmap for the use of funds, a combined \$13,000 for the South Platte and Metro Roundtables at least, but more likely \$50,000 if the funds were available. Jeffrey Boring added the deadline was November 1, 2015 for WSRA applications and the Roundtable could formally weigh in at the October meeting. Sean Conway argued the Roundtable should withhold 20-25% of the WSRA Basin account funds as a form of responsible fiscal management, especially given the surprises and needs of the past few years. Sean Cronin and Jeffrey Boring clarified the next budget refill would be less than it had typically been, and that it would come in

January of 2016. Sean Cronin argued the Roundtable should hold some percentage and if it decided not to hold funds this round, it could do so in January.

Lynda James warned against the Roundtable overspending on the current cycle when the January budgetary refill wouldn't refill the coffer by much—Jeffrey Boring added the next refill following the one in January would be in May. Janet Bell argued for a water political-action committee, motivated by seeing The Great Divide on a widely and easily accessed medium—television. Lisa McVicker added there were still aspects of the Environmental and Recreational study that contributed to the Basin Implementation Plan (“BIP”) which needed substantial unpacking and additional research. Bruce Gerk argued for the merits of reserving funds for the Educational Subcommittee sooner rather than doing so on a quarterly basis. Gerk argued the time to issue a strong unified message was immediate. Jeffrey Boring responded he was hearing money should be reserved, the Education Subcommittee should receive some re-allocated WSRA funds, and the BIP V.2. should be on the Roundtable's radar as an initiative requiring future funding.

Jeffrey Boring solicited interest in the WSRA Needs Committee, Sean Conway offered his assistance. Lynda James volunteered as well. Jeffrey Boring asked if WSRA applicants could be added to the Interested Parties email list.

b. Groundwater Subcommittee (Hall – 10 min)

Joe Frank reported the dewatering program was working while wells were running, drawing down groundwater by several feet in some locations of Gilcrest. Frank reported the wells were shutoff once a call was put on the river and no additional dewatering had occurred since. He also reported there was discussion on transportation of that dewatered water and how that drawdown was injurious to local and downstream ditch companies. Frank also reported the Gilcrest area was host to five focus areas which would require additional study to determine what it would take to maintain stable groundwater levels in those areas—were there any ways to use incentives to increase draw-down, were there any ways to manage groundwater use, and how could dewatering be used to maintain stable levels in the areas. At the time of the Roundtable meeting, Brown and Caldwell had recently done a study to address those questions and provide a baseline water budget. Frank argued the difficult piece of the initiative was initializing the various components, but BIP funds (\$25,000) were set aside to address HB1178, which would help develop additional data to form a well nuanced baseline for the inception of solutions for the study area.

Sean Cronin asked if there was a deadline for the development of solutions for the HB1178 initiative. Joe Frank responded the review period was a year, and that year mark had been reached. The result of that year-of-review was a strategy for going forward. Cronin asked the Committee to review the original decision on the initiative and identify if a one-year status update was required. John Stulp reviewed the recent work of the Groundwater Technical Committee, calling attention to the Committee discussion of adding a second well to the initiative. Bob Laungenbaugh added aggressive monitoring of the area over the next few years would be beneficial to the Roundtable's discussion of the initiative. Laungenbaugh pointed out the highest groundwater in the

study area was September and October of 2014. Laungenbaugh addressed the regulation of groundwater and surface water as part of a joint management strategy was integral to controlling groundwater in the study area. He stressed the past year showed how the entire system was integrated and needed more discussion of the impact of water administration in the area. Joe Frank added the Gilcrest area, more than any other area, even Sterling, was very sensitive to fluctuations on input and output of the local water table.

c. Environmental-Recreational Needs (Kernohan – 5 min)

Greg Kernohan announced there was nothing to report because a meeting had not been held recently. He committed to working on the Committee and getting a meeting on the books soon. Frank reported the Tamarisk Coalition would be meeting on Wednesday, September 6th in Byers—more information on the meeting would be distributed to the Roundtable.

d. Education Subcommittee (Schneekloth – 15 min)

The update for the Education Subcommittee was already provided.

*e. At-large Nominating Committee (Frank – 5 min) **not listed on original agenda***

Joe Frank publicly announced a new At-large vacancy for one of the general water-rights-owners positions. It was clarified Doug Rademacher formally resigned at the August Roundtable meeting. Applicants had until the 26th of September to apply. It was also clarified that applicants had to live within the South Platte Basin, not the Metro area, and needed to either themselves own or work for, i.e. represent, an entity that owned water rights.

5. Legislative Update (5 min)

Joe Frank reported the Water Resources Review Committee would be hosting a public hearing in Greeley on September 14 at 6PM, at the Island Grove Event Center. There was also discussion on a potential second hearing date the following evening (September 15) at 4PM at the Aurora municipal building. Diane Hoppe stated she didn't believe the Review Committee was in the habit of publicizing their meetings. Sean Cronin asked Joe Frank if he had considered making Roundtable presentations and comments on the CWP at the meeting and Joe Frank reported he was planning to make those comments part of that meeting. Bob Laungenbaugh reported the last time the meeting was publicized it ended up as a large meeting, taking more than three hours. Joe Frank committed to sharing the meeting notice with the Roundtable and Interested Parties lists. It was clarified the Review Committee was seeking public comment at this committee and it was otherwise an informational event. Discussion ensued as to how to best address the comments put forth in the HDR letter and it was generally agreed upon the comments should be provided by Roundtable members at the Review Committee meeting.

Dinner (5:15 to 6:00)

The meeting broke for dinner at 5:45

6. Basin Implementation Plan (15 min)

The meeting re-joined at 6:25.

Matt Cook made a quick update of HDR's recent efforts on the BIP, first announcing most of their recent time had been spent on responding to the CWP. Cook reported the one-page insert was coming along and was almost complete—it would likely be going before the Roundtable for review and comment before the end of the week. Cook also reported HDR was moving forward on the one-pager for the Republican River Basin as well. Both of those documents would be available for public consumption with the four-pager both on the South Platte Basin website as well as the CWCB website. The next action item for HDR, Cook reported, was addressing the final BIP—specifically addressing the M&I conservation gap and the conservation stretch-goal. Joe Frank asked Cook for clarification of a Rio Chato/Metro BIP meeting on Wednesday, October 14th, occurring most likely between 1 and 4PM.

7. IBCC Update

a. Update on IBCC Meeting (Wilkinson/Yahn – 20 min)

Bruce Gerk asked Eric Wilkinson to clarify any points he felt were missed in the revisions by the IBCC. Wilkinson replied he felt the introduction did not adequately frame the Conceptual Framework as a living document. The Framework, Wilkinson argued, was not something that could be carved into stone and would need to stay flexible and dynamic. Wilkinson also endorsed the IBCC revision, arguing it was superior to the proposed changes by the Roundtable—he felt the Conceptual Framework was in a good, workable draft, as it was.

b. Discussion of Conceptual Framework and Conservation Stretch Goal (30 min) *Action Required*

Doug Robotham made a motion that the South Platte Basin Roundtable support the Conceptual Framework as it was drafted and supported by the IBCC at the August 25th IBCC meeting. Bruce Gerk seconded. Sean Conway asked Eric Wilkinson what the repercussions would be if the Roundtable did not take action on this item at the meeting and Wilkinson said there would be widespread questioning of and concern over why the Roundtable had not taken action. Wilkinson clarified the issues outlined in the Conceptual Framework were impactful and far-reaching and the Roundtable's inaction could be interpreted as the Roundtable's dislike of the Framework and suspicion by the West Slope of the intentions and philosophies by the Roundtable, at least, and those on the Front Range, at most. Conway also asked if failure to act at the meeting would create a roadblock to the development of identified project and priorities, and trans-mountain diversions and Wilkinson felt it would not necessarily create additional roadblocks, but it would help remove current ones.

Sean Cronin asked how the Roundtable's recommended language was received at the IBCC meeting. The CWCB ultimately decided to introduce revised language as general suggestions from numerous concerned parties. Wilkinson argued any individual Front Range entity which would have proposed its own changes would have been met with distrust. The State's proposed language, however, was seen as a balanced effort to bring all parties to a constructive discussion and a workable draft of the Conceptual Framework. John Stulp called attention to the CWCB as a group that was taking charge of the CWP and working directly with the Conceptual Framework. The motion passed without contest.

Sean Cronin thanked Jim Yahn and Eric Wilkinson for their hard work with the IBCC and the Roundtable. The Roundtable voiced its combined support for their efforts.

Eric Wilkinson asked what the Roundtable's formal position on the Conservation Stretch Goal was and Bruce Gerk asked if the Roundtable should further revise the language. Sean Cronin felt the Roundtable could tackle the Conservation Stretch Goal with its letter.

8. Colorado Water Plan

a. Finalizing other South Platte and Metro Comments on CWP (HDR – 60 min)

Matt Cook provided the Roundtable with background on the CWP Review Committee, comprised mostly of members of the Rio Chato and the Metro BIP Committee. Cook clarified comments were coming into HDR in order for them to distill a unified South Platte Basin and Metro Roundtable message to the CWCB on the CWP. Cook reported his team made a concerted effort before the September Roundtable meeting, specifically during the Labor Day weekend, to create that distilled message representative of contributing member entities. Cook reported the comments document was broad in the spectrum of feedback it contained. Still, feedback tended to focus on climate change, demand, storage, supply management, the conservation stretch goal, ag transfers, future funding sources, and permitting. Cook reported there was a big push in the comments to integrate more of the work that had gone into the BIP and the content that had entered therein into the CWP.

Matt Cook asked for extensive feedback on the letter, but stressed the timeline to return feedback and revise the letter was tight. Laurel Stadjuhar added the letter incorporated Environmental and Recreational Consultant comments, namely items that directly disagreed with information and data in the South Platte Basin Roundtable BIP. Cook committed to providing the CWCB with a communication that comments from Roundtable consultants had been submitted separately from the formal Roundtable response to the CWP. Sean Cronin asked what the remaining budget for additional HDR work was and Cook replied the scope to do the work in discussion had been expanded. There was still money remaining in the budget and Cook made an request for 3700 to cover the letter and comment initiative. Cook anticipated at least one more call and several more hours of work to finalize the letter and comments from the Roundtable. Stadjuhar reported she was doing work the work in discussion without payment.

Sean Cronin pointed out the CWCB CWP comment section online was not nearly as comprehensive as what was being developed by the South Platte Basin Roundtable. Cronin stressed the work in discussion was of immense value to the CWCB, to the Roundtable, and to the CWP. The work the Roundtable was doing, Cronin argued, extended far beyond the CWP document itself. Lisa McVicker added her support and applauded the consultant teams for their great work on the CWP initiative. Julio Iturreria pointed out what he felt was a glaring example of why the Roundtable should be withholding funding—to continue to support the consultant teams on efforts such as the letter making comments on the CWP. Iturreria pointed out there needed to be more explicit focus on the importance of the Colorado Doctrine in the CWP as opposed to allowing public doctrine to take precedence. Lisa McVicker, building on Iturreria's comments, argued revisions were more valuable and more powerful to the CWCB than simply stating language in the CWP was inaccurate or inadequate.

Jeffrey Boring argued providing language to the CWP wasn't necessarily the responsibility or authority of the Roundtables since the plan was the responsibility of the State—The Roundtable's efforts should be limited to the BIP. Boring warned against the Roundtable constructing an image of itself as the squeaky wheel. Boring argued the Roundtable's responsibility should be limited to providing general feedback on the CWP, not making suggestions for specific changes or revisions. Lynda James asked how much time the Roundtable members had to review the letter and suggest revisions. Joe Frank pointed out a Roundtable committee was developed to review the entire CWP and assist in generating the letter in discussion. It was clarified all comments on the CWP were due September 17th. Lisa McVicker asked if Roundtable members could submit specific comments on the letter to HDR and Frank responded they could and that such comments would be helpful. Discussion ensued as to how comments should be submitted to HDR, by whom, and by what date those comments should be submitted. Bruce Gerck argued it was the responsibility of all Roundtable members to weigh-in on the letter. Jim Hibbard argued the most important message of the letter, which he saw as storage, should be presented up front in the introduction.

Sean Cronin argued he had originally considered the same reformatting as Jim Hibbard had recommended, largely because he was thinking of the audience, but ultimately decided chronologically structured was the best structure. Cronin also argued the CWP was "our" water plan and the comments contained within the letter were more than appropriate to submit. Cronin also argued the Committees should be trusted to do the heavy lifting. Sean Conway agreed with Cronin's comments and argued the letter was appropriate as drafted and agreed with Iturreria's position on the Colorado Doctrine—that it had been effective and would continue to be effective as the State continues to grow. Conway argued the letter, as drafted, was not only appropriate, but rich with potential to provide comments from Coloradans for Coloradans. Burt Knight announced he was acting as a representative of Weld County municipalities and would be reaching out to each of those municipalities and encouraging them to direct comments to the CWCB. Eric Wilkinson argued the Interim Resources Committee would not find the letter in discussion productive, although the CWCB would. Instead, Wilkinson argued, the Interim Committee would benefit from a brief one-pager focusing on a handful of the most important topics to the Roundtable.

Brent Newman responded the letter, as drafted, was in a constructive format. He felt the CWCB would respond well to the format and would find it effective. Diane Hoppe responded the roundtables were charged with discussing water topics and sharing their expertise. Hoppe argued the South Platte Basin was leading the state in a number of ways and was acting appropriately in submitting its comments to those in the CWCB with the power to affect changes on the CWP. Sean Conway reminisced on where water discussions in the state had been prior to the roundtable initiative and pointed out the conversation, as it was currently occurring, was a great leap forward in productivity.

Matt Cook asked that Roundtable members have comments on the letter submitted to him by Friday, September 11, allowing for another Committee call the following week. The signed letter would then be submitted by the 17th. Sean Conway made a motion that with slight modifications the letter be approved and go on to signature by the Roundtable Chair. Julio Iturreria seconded. There was no further discussion and the motion passed without contest.

9. Public Comment

Diane Hoppe pointed out the CWCB would be holding its meeting and hosting a full-day in-stream flow hearing in Montrose on the 15th and 16th. John Stulp pointed out, on the 17th, 18th, and 19th, Pedal the Plains would be held. Sean Cronin pushed members of the Roundtable (Joe Frank, Jeff Boring) to come up with a plan to pay consultants for work they have done but not been paid for.

The meeting adjourned at 8PM

10. Meeting Schedule

- a. Next Roundtable Meeting – October 13, 2015 - Weld County Service Center