BASIN ROUNDTABLE

SUMMIT

COLORADO
Colorado Water Conservation Board
Department of Natural Resources

Executive Summary *March 12, 2015*

Background

The fourth Statewide Basin Roundtable Summit was held in Westminster, Colorado on March 12, 2015. It was attended by members of the nine basin roundtables and interested members of the public. Roughly 300 individuals participated in total, 46% were basin roundtable members. The Summit included presentations and panel discussions on creative solutions for the future. Participants were seated at diverse discussion tables to encourage integrative and cross-basin dialogue about Colorado's Water Plan and the Interbasin Compact Committee (IBCC) Draft Conceptual Framework. The table discussions allowed various stakeholders to come together and draft ideas they would like to see incorporated in Colorado's Water Plan. Based on post-Summit surveys, 96% of respondents rated the 2015 Summit good, very good, or excellent.

SUMMIT GOALS

GOAL ONE
Engage Basin Roundtable members and the public to help further develop critical aspects of Colorado's Water Plan.

GOAL TWO
Provide a forum for Basin Roundtables to share their thoughts statewide.

GOAL THREE
Raise awareness statewide regarding the status of the IBCC's Conceptual Framework and allow for additional input from Basin Roundtables.

GOAL FOUR
Help Colorado's Water Plan be consistent with the Basin Implementation Plans with regard to funding, permitting, legislative concepts, and agricultural viability.

MORE INFORMATION
To learn more, visit www.coloradowaterplan.com.

Welcome

John Stulp, Director of Interbasin Compact Committee and Water Policy Advisor to the Governor

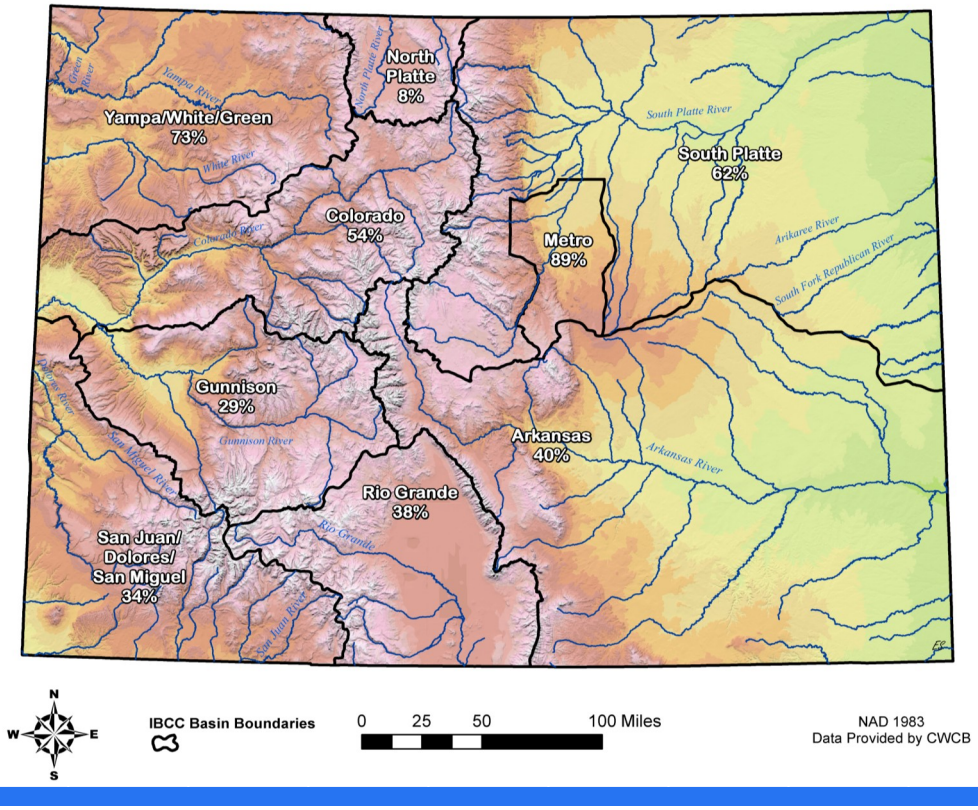
Director John Stulp thanked basin roundtable members, stakeholders, and others in attendance for all the work they did in 2014 leading up to the 2015 Summit. He reminded the audience that Colorado's Water Plan is built on the foundation of the Basin Implementation Plans (BIPs). Stulp outlined the focus of the 2015 Summit as creative solutions for the future—what actions, strategies, and steps are included in Colorado's Water Plan to move forward and really build the water future needed for Colorado. He explained that throughout the day several panelists would share their ideas for the future on a range of critical topics within Colorado's Water Plan. Most important though, Stulp said, will be the opportunities to share YOUR ideas for the future with us today.

Colorado's Water Plan

James Eklund, Director, Colorado Water Conservation Board

Director James Eklund told attendees that as a whole, Colorado's Water Plan charts a path forward on conservation and storage, agricultural options and groundwater, watersheds and environment, quality and quantity, transmountain diversions and permitting, financing and innovation. For the first time, he said, we have a product every Coloradan with a smartphone or an internet connection can access. Even more remarkable, we have a product every Coloradan can comment on and add value to, as many of you have. Eklund explained that this level of engagement on a policy issue was unprecedented, and termed it "open source policy making". But we're not done, he said. He asked attendees to heft the material yet again and finalize their BIPs, attend the basin roundtable (BRT) meetings, and send in their comments on the draft in order to help create a first final version that is actionable. Eklund ended his presentation calling the water plan process an historic moment in Colorado water as "we have pivoted from whether or not we should have a plan, to what that plan should be. As we focus on the first final water plan, our emphasis must be on actionable steps."

Figure 1: Percent of basin roundtable member attendance by Basin. Basin Roundtable members represented 47% of total 2015 Summit attendees, broken down by each basin. The other 53% of 2015 Summit attendees were general public, other stakeholder groups, or unaffiliated.



Morning Panels: Creative Ideas to Address Challenging Issues in the Water Plan

Four panel sessions were held in the morning - one each on funding, permitting, agricultural viability and legislation. The panels were moderated by CWCB Director James Eklund. Each panelist presented their perspectives on the topics, followed by time for questions from the audience. After the panels on funding and permitting, all attendees participated in guided table discussions. A summary of the panel discussions and an outline of the guidance provided for the table discussions that followed is provided.

Funding:

Tim Feehan, Colorado Water Conservation Board, and Mike Brod, Colorado Water Resources & Power Development Authority, discussed funding avenues and difficulties for funding water projects.

Guidance for Funding Table Discussions:

- Participants discussed current and future project funding issues, including permitting, environmental, and recreational costs that they have directly or indirectly experienced.
- Using their BIPs as a guide, participants discussed what items would be critical to fund in order to meet the variety of current and future needs across the state in the present, 10 years out into the future, and long-term.
- Tables discussed which specific funding mechanisms should be investigated, and which funding sources should be obtained or structured.

"Diversity of opinions and ideas spurred creative thinking on the part of all participants at my table."

-Survey Respondent on which aspect of the Summit was the most worthwhile

Permitting:

Eric Hecox, South Metro Water Supply Authority, and Lane Wyatt, Northwest Colorado Council of Governments, discussed their experiences and ideas for permitting water projects in Colorado. Hecox began the discussion by talking about the difficulties faced when water projects undergo the permitting process. Hecox mentioned that the Clean Water Act 401 Certification and the Code of Federal Regulations 122.2 process are not timely, and that Colorado needs to take a leadership role on federal permitting. Hecox went on to state that front loading the permitting process can make a noticeable difference and that a project's scope should be binding due to the "paralysis of analysis." Wyatt shared his experience with the Homestake Project, which initially failed because it didn't adequately address local concerns during the permitting process. Wyatt expressed that he would like to see local government involvement from the project's beginning.

Guidance for Permitting Table Discussions:

- Participants discussed any permitting experiences their groups have had – the good, the bad, and the ugly.
- Participants discussed potential permitting improvements.
- These improvements were compared to the draft actions and processes currently listed in Colorado's Water Plan.

Morning Panels Continued: Creative Ideas to Address Challenging Issues in the Water Plan

Agricultural Viability:
Carlyle Currier, Colorado Farm Bureau, and Mark Sponsler, Colorado Corn, provided their thoughts on agricultural viability in Colorado. Currier expressed that a central belief throughout the IBCC is that in 40-50 years, farmers will need to produce twice as much food as in the past, with fewer resources. Currier also explained that agriculture is losing good farm land to developers, and he suggested that we think of what the state would look like without farm land. Currier stated that Colorado's Water Plan is a good start, but certain issues need to be further developed. The Colorado Water Alliance (CAWA) sees Colorado's Water Plan as a great venue to highlight the importance of agriculture. There is, however, too much emphasis placed on alternative agricultural transfer methods (ATM) as the solution. These ATMs still lead to reduced agricultural production, and CAWA would like to look towards other solutions to meet water needs.

Guidance for Ag Viability Table Discussions:
- Participants discussed the future landscape for agricultural viability – the good, the bad, and the ugly.
- Participants discussed potential solutions to increase agricultural viability.

> ***"In agriculture we're getting better at conservation, which shouldn't constitute non-usage, but wise usage."***
>
> ***-Don Brown***

Legislation:
CWCB Director James Eklund provided background information on legislative topics for Colorado's Water Plan in order to help guide the table discussions. Preliminary legislative concepts that are currently being discussed by the IBCC were reviewed.

Guidance for Legislation Table Discussions:
- Participants discussed challenges that could be helped through statewide legislation.
- Participants chose one or two of the presented challenges and discussed potential legislative solutions.

Lunch Presentation

Colorado Commissioner of Agriculture, Don Brown, addressed the audience during lunch. Commissioner Brown talked about his childhood, how agriculture has changed, and how important it is to Colorado. Commissioner Brown thanked everyone for their hard work in Colorado water, and reminded the group that even eating is an agricultural activity.

Colorado Commissioner of Agriculture, Don Brown, during his lunch presentation at the 2015 Summit.

Afternoon Panels: IBCC Draft Conceptual Framework

Two afternoon panels were focused on raising awareness statewide regarding the status of the IBCC's Conceptual Framework. A summary of the panel discussions is included below.

The Conceptual Framework: What It Is, and What It Isn't

This panel was moderated by Jacob Bornstein, CWCB. Panelists and IBCC members Bruce Whitehead, Melinda Kassen, Jim Lochhead, and IBCC Director John Stulp provided the participants with their perspectives on the IBCC Draft Conceptual Framework regarding transmountain diversions (TMDs). All panelists agreed that, in terms of meeting environmental, West Slope, and Front Range municipal interests, the Conceptual Framework was a good document. Table 1 on page 6 outlines panelist perspectives regarding "What it is" and "What it Isn't." John Stulp noted that the document was breakthrough and historical in nature and "shows that as diverse as the Colorado water community is, from ranchers to large municipal providers, these types of conversations can now be held for everyone to work toward a better Colorado."

The Conceptual Framework: Where Do We Go From Here?

This panel was moderated by John McClow, CWCB Board Member. Joe Frank, South Platte Basin Roundtable Chair, Jim Broderick, Arkansas Basin Roundtable Chair, Jon Hill, Yampa/White/Green Basin Roundtable Chair, and Michelle Pierce, Gunnison Basin Roundtable Chair, were asked to comment on three specific questions regarding the framework: 1) What does your basin roundtable think about the Draft Conceptual Framework, 2) What can we do in the near term, and 3) What will it take for your basin roundtable to say yes to the framework? Their responses are summarized below.

Viewpoints from Joe Frank:
The South Platte basin roundtable voted unanimously to endorse the 7 points outlined within the framework. In the next few years the South Platte roundtable thinks more details need to be fleshed out and a "straw man" concept needs to be developed to begin working through some of the issues. The framework is a good start, but the discussion needs to continue to begin work through some of the difficult concepts and issues. The South Platte roundtable would like to see the framework put into Colorado's Water Plan as is and then move forward from there. The South Platte basin would also like to see storage as the "fifth leg" of the stool, and that storage should be the beginning of the conversation in Colorado's water supply planning.

Viewpoints from Jim Broderick:
The Arkansas basin roundtable voted to endorse the 7 points within the framework, but more details need to be fleshed out. The Arkansas basin roundtable would like to gain a better perspective on the wording and the intent behind the wording within the framework, which will give the opportunity for more detailed work. The Arkansas basin roundtable agrees with the South Platte basin roundtable, that storage needs to be considered simultaneously with the other four legs of the stool.

Viewpoints from Jon Hill:
When the Framework was first being developed, there was concern that this meant there WILL be a TMD, which initially made it more difficult to move forward. The Yampa/White/Green basin roundtable is relieved to know that it is a framework for discussion. The framework asks the questions that need to be answered before there can be anything called an agreement concerning TMDs. The projects within the Colorado river basin need to have native flow considerations, this is particularly important when looking at the Colorado basin as a whole. The different hydrologic and legal situations for each basin also need to be considered when moving forward, and the effects of a TMD on a compact call needs to be investigated.

Viewpoints from Michelle Pierce:
The Gunnison basin roundtable is concerned about the meaning behind some of the terms proposed in the framework as it currently stands. They expressed the need for better explanations of hydrologic risk, triggers, and the insurance policy, which was stated as the most important term to define. These will help ensure all parties are on the same page. As it stands, the Gunnison basin roundtable does not believe the framework is ready for inclusion into Colorado's Water Plan, and that it is still under discussion.

IBCC Draft Conceptual Agreement: Audience Polling

2015 Summit Participants

Participant Perspective:
Jacob Bornstein guided the audience through a polling exercise. The audience was asked a series of nine questions, and were instructed to respond whether they agreed, were neutral, or disagreed with the presented questions. The number of people who participated changed for each questions, but of those who voted there was little or no disagreement to the presented questions. See page 7 for a breakdown of the polling questions and general audience response. Overall, participants indicated that the Conceptual Framework is heading in the right direction, with no disagreement expressed during the polling exercise.

IBCC Draft Conceptual Framework Summary Points

1) East Slope is not looking for firm yield from a new TMD project and would accept hydrologic risk for that project.
2) A new TMD project would be used conjunctively with East Slope interruptible supply agreements, Denver Basin Aquifer Resources, carry-over storage, terminal storage, drought restriction savings, and other non-West Slope water sources.
3) In order to manage when a new TMD will be able to divert, triggers are needed.
4) An insurance policy that protects against involuntary curtailment is needed for existing uses and some reasonable increment of future development in the Colorado River system, but it will not cover a new TMD.
5) Future West Slope needs should be accommodated as part of a new TMD project.
6) Colorado will continue it s commitment to improve conservation and reuse.
7) Environmental resiliency and recreational needs must be addressed both before and conjunctively with a new TMD.

"We need to listen and learn from each other across the Basins."

-John McClow

Table 1: Panelist perspectives on the IBCC Draft Conceptual Framework

What it Is	What It Isn't
• A reflection of the discussions between the East slope and West slope • A draft, this document will be further discussed and refined • A framework for discussion—the document maintains open discussion for further refinement • A document formed from an established collaborative working relationship between the East slope and West slope	• A means to establish a source of firm yield for the east slope • A means to begin a new TMD now • A means to shut the door for any future TMDs • An agreement or contract

Table 2: Breakdown of the polling questions used to gauge participant perspectives on the IBCC Draft Conceptual Framework.

Audience Polling on Draft IBCC Conceptual Framework—Presented Questions	Polling Results
Do you agree that the panel was helpful in your understanding of the conceptual framework?	Majority participation Unanimous agreement
Do you agree that, with or without a new transmountain diversion, we need to address environmental resiliency and recreational needs, including the recovery of imperiled species?	Majority participation Unanimous agreement
Do you agree that if a new TMD were to be built, that environmental and recreational needs should be incorporated up-font in the project design, include nonconsumptive partners, and include benefits and/or mitigation for environmental and recreational values?	Majority participation Unanimous agreement
Do you agree that, with or without a new transmountain diversion, Colorado should continue its commitment to improve municipal conservation and allowable reuse statewide?	Majority participation Unanimous agreement
Do you agree that if a new TMD were to be built, that western slope needs should be accommodated and that the compensatory project or projects should move forward with the new TMD as a package of projects that benefit both East and West Slopes?	Majority participation Majority agreement Some neutral
Do you agree that, with or without a new transmountain diversion, we need to work to create a program that prevents involuntary curtailment through eminent domain or strict administration to prevent a compact curtailment issue from occurring?	Majority participation Majority agreement Some neutral
Do you agree that the preventative program should be a voluntary program, such as a water bank and other demand management methods, which at least covers existing users, but not users of a new TMD?	Majority participation Majority agreement Some neutral
Do you agree that if a new TMD were to be built, that it should modify how much water is diverted based on how much water is available. And if you agree that, if built, the project should rely on eastern slope sources when water is not available from the new TMD. And if you agree that determining when a new TMD will be able to divert should be based on triggers that indicate when and how much it is acceptable to divert water?	Majority participation Majority agreement Some neutral
Do you agree that, although additional detail may be needed, these are the major issues that should be dealt with in a conceptual framework, /Alt: If you agree that, although more detail may be needed, the overall points in the conceptual framework are the right ones?	Half participation Mostly agreement Some neutral 5 disagree
If the feedback from today is incorporated into the Conceptual Framework, then it is headed in the right direction.	Majority participation Mostly agreement Few neutral

Closing Remarks

John Stulp closed the day by presenting some of the common themes that arose from the table discussions. A summary of hose themes is provided below.

Permitting:

- There was a shared enthusiasm for a "front-loaded" process that would bring everyone to the table as soon as possible. This would create a more collaborative system that would get project proponents, affected entities, and permitting agencies on the same page early on.
- There was also wide support for a project permitting handbook that would serve as a comprehensive guide to permitting timeframes, the necessary parties, and resources available to project proponents.
- Finally, the tables were supportive of state involvement in the process, acting as a facilitator and eventually an advocate for projects, demonstrating a commitment to the state water planning process while providing resources for proponents and affected stakeholders.

Funding:

- The concept of having a project proponents' funding handbook was popular throughout the table discussions. This would help illuminate the potential sources of funding statewide, and provide guidance for funding particular types of projects.
- Most of the discussions also highlighted the importance of creating more opportunities for public education and outreach regarding a range of topics including the "actual cost of water" including project costs, maintenance of infrastructure, and the necessity for a consistent source of funding.

Agricultural Viability:

- The importance of agriculture beyond economic value was a common thread in the discussions. Participants want to see studies of the effect of dry-up on communities and regions, not just one ranch at a time.
- The table discussions also emphasized the importance of innovation and flexible programs to a viable future for agriculture. There was a call for continuation of pilot programs to test new concepts, implementation of interruptible supply agreements, ATMs, and multiple use projects.
- Other ideas brought up by the tables for consideration include further exploration of the role and potential flexibility of conservation easements, and an assessment of potential flexible uses for agricultural water.

Legislation:

- The general consensus is to "only legislate when it is absolutely necessary." Any proposed legislation should be thoroughly vetted for and unintended impacts and consequences. Incentives and other non-mandated mechanisms are preferable.
- In order to ensure that legislation is thoroughly vetted, a task force should be formed to collaboratively consider concepts requiring legislation. This should include entities beyond the water community in order to assess all of the potential impacts.
- The table discussions also recognized that any improvements to the water court process would probably require legislation, and should be arrived at via a transparent and collaborative process.

2015 Post-Summit Evaluations

In order to gauge participant reactions to the 2015 Basin Roundtable Summit and to better plan for the 2016 Basin Roundtable Summit, electronic evaluations were distributed to each participant. Highlights from completed evaluations are provided below.

- Nearly all survey respondents (96%) rated the 2015 Summit excellent (21%), very good (51%), or good (23%).
- The majority of respondents (62%) chose *table discussions* as the most worthwhile aspect of the Summit.
- *Meeting members of other roundtables and interested public* was also a highly rated component of the Summit.
- Over 80% of respondents believe Colorado's Water Plan is headed in the right direction.
- 73% of respondents felt they had enough time to ask any outstanding questions they had regarding Colorado's Water Plan.
- The panel regarding the *permitting section* of Colorado's Water Plan received the highest level of "It improved my understanding" responses.
- The Summit improved a majority of attendees' understanding on the IBCC Conceptual Framework, and the permitting, funding, and agricultural viability sections of Colorado's Water Plan.
- 71% of respondents said they were "Completely prepared" or "Mostly prepared" for the discussions at the individual tables.
- Respondents overwhelmingly supported more meetings to further roundtable-to-roundtable discussions, such as additional summits, joint-roundtable meetings, statewide initiatives, and recommendation-sharing on specific topics between roundtables, the IBCC and CWCB.

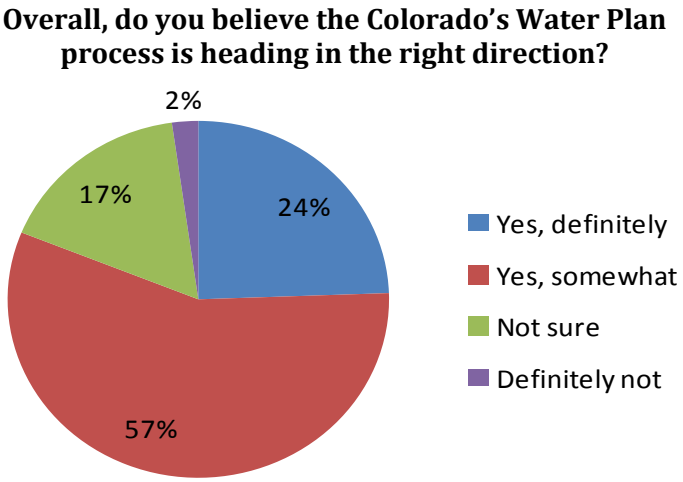


Figure 1: Post-Summit survey question results.

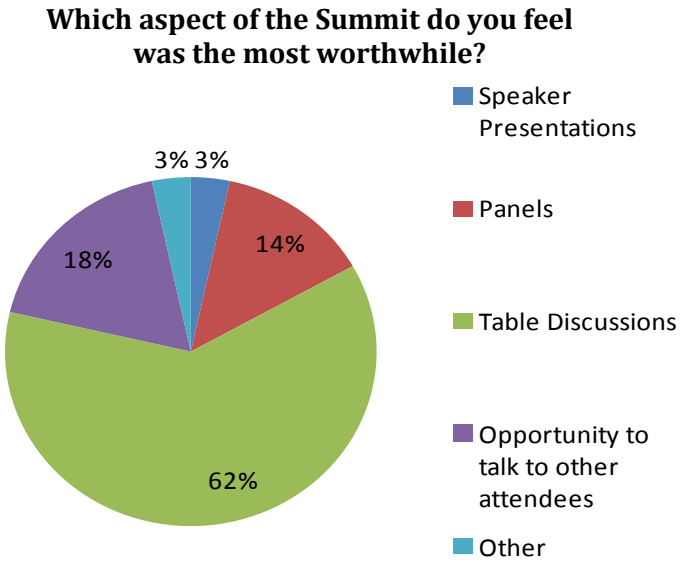


Figure 2: Post-Summit survey question results.

COLORADO'S WATER PLAN

COLORADO

Colorado Water Conservation Board

Department of Natural Resources

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

James Eklund
CWCB Director

John Stulp
IBCC Director

For more information, please contact:

Rebecca Mitchell
1313 Sherman St., Rm 718
Denver, CO 80203
303-866-3441, ext. 3217
www.cwcb.state.co.us
rebecca.mitchell@state.co.us