

Interbasin Compact Committee (IBCC)
Wednesday, June 17, 2020
Virtual Meeting
Meeting Summary

IBCC Members Present

Steve Anderson, Paul Bruchez, Stanley Cazier, Aaron Citron, Sean Cronin, Carlyle Currier, Lisa Darling, Joanne Fagan, Russ George, Tom Gray, Keith Holland, Jeff Meyers, Ed Millard, Robert Sakata, Cleave Simpson, Barbara Vasquez, Pat Wells, Mely Whiting, and Jim Yahn

IBCC Members Absent

Jeris Danielson, Senator Kerry Donovan, Jim Lochhead, Andy Mueller, Representative Dylan Roberts, Terry Scanga, Bill Trampe

Colorado Water Conservation Board (CWCB) Board Members and Basin Roundtable Chairs

Steve Anderson, Jackie Brown Heather Dutton, Greg Felt, Kevin Rein, Jason Turner

CWCB Staff

Linda Bassi, Viola Bralish, Megan Holcomb, Greg Johnson, Becky Mitchell, Amy Ostdiek, Lauren Ris, Kirk Russell, Russ Sands, Sam Stein, Ben Wade, Kathryn Weismiller

Facilitation

Heather Bergman and Samuel Wallace

Audience

Approximately ten people observed the meeting.

OPENING REMARKS

Russ George, IBCC Director of Compact Negotiations, welcomed the group to the IBCC's June 2020 virtual meeting and thanked IBCC members for attending.

DEPARTMENT OF NATURAL RESOURCES (DNR) UPDATE

Dan Gibbs, DNR Executive Director, gave an update on the current state of DNR. His comments are summarized below

- It is a very challenging time with COVID-19 impacts, changes in work environment and lifestyle, and issues of social justice coming to national attention. Governor Polis has rolled out three different executive orders. The first was the Safe-At-Home Order, which encouraged people to stay at home except for groceries and essentials; then, Safer-At-Home and In The Vast, Great Outdoors Order, which opened up areas and places, such as restaurants, for limited activities if people followed social distancing and mask wearing guidelines; and finally, the Protect Your Neighbors Order, with more relaxed guidelines. Local communities and public health directors can determine which category of order best fits their community based on their local conditions.
- The State is expected to experience a \$3 billion revenue reduction as a result of the global pandemic. Governor Polis issued a sequestration executive order to cut state spending by \$228.7 million in the middle of the fiscal year. All state agencies, including DNR, were expected to cut their budget immediately. The State Legislature cut the budget by nearly \$3 billion during the legislative session.
- Severance tax plays an integral role in funding key DNR programs. The oil and gas industry is struggling, which is impacting revenues from severance taxes. The total amount of funding from the severance tax program for FY19-FY20 is expected to drop by 45% from FY18-FY19. The expected severance tax revenue is expected to be \$15.8 million in FY20-FY21, which represents an 85% decline from FY19-FY20 to FY20-FY21.

- Governor Polis has directed Director Gibbs and CWCB to develop a water WIG. The general concept of the water WIG is for CWCB to track, evaluate, and prioritize the cost of projects in each major river basin. Although the 2015 BIPs identified some project costs, they have not been updated to accurately reflect the current water needs. As the Basin Roundtables begin to update their BIPs, CWCB will create a database with detailed information on critical projects by 2022. The database will include a cost estimate for 160 critical, tier-one projects. This WIG is not yet final and could change slightly.

Clarifying Questions

Meeting participants asked a clarifying question about the DNR update. Questions are indicated in italics with corresponding answers in plain text.

QUESTION: With an increase in the number of people recreating at state parks and other facilities as a result of COVID-19, are there any discussions occurring on how the lack of funding may hurt DNR's ability to maintain open spaces and state parks?

- Governor Polis has made it a priority to keep state parks open. The only type of recreation Colorado shut down on state parks was camping, which occurred for a month and a half.
- When some public lands shut down, other agencies found their public parks being inundated with people. DNR is trying to let people know they can recreate on federal, state, county, and municipal public lands to distribute recreators.
- DNR is trying to keep hunting opportunities available statewide because that is an important source of revenue for the agency.

DROUGHT MONITORING UPDATE

Megan Holcomb, CWCB Climate Change Risk Management Specialist, gave an update on drought monitoring in Colorado according to data released on June 9. Her presentation is summarized below.

- Around 76% of Colorado is in abnormal to extreme drought conditions. As of June 9, 25.5% of Colorado was in extreme drought conditions. Extreme drought conditions are expected to expand across Colorado's southern counties. The State is considering activating the Drought Mitigation and Response Plan for southern counties to offer drought mitigation assistance. The Agricultural Impact Task Force could also be activated to conduct an initial impact assessment and provide mitigation assistance as well.
- River basins across Colorado are going into this drought with good reservoir storage. The Yampa and White River Basin's reservoir storage is up 115% of its average, and the Colorado River Basin's is up 115% of its average. However, some river basins' reservoir storage is lower than average. The Arkansas River Basin's reservoir storage is 87% of its average, and the Upper Rio Grande River Basin's reservoir storage is 62% of its average.
- CWCB staff will provide updates at Basin roundtable meetings and will be pulling together resources with different drought indicators including the Natural Resources Conservation Service's (NRCS) Water Outlook Report, the Colorado Water Availability Task Force one-page drought summary released at the end of each month and the Colorado Climate Center's weekly recommendations to the drought monitor.

CWCB BUDGET UPDATE

Lauren Ris, CWCB Deputy Director, provided an update on CWCB's budget. Her presentation is summarized below.

- The budgetary impacts of COVID-19 currently span three fiscal years, starting in FY 19-20. In the current fiscal year, CWCB had to reduce its \$1.7 million general fund allocation for the demand management feasibility investigation by \$866,000. The CWCB Board also postponed allocating funding for Colorado's Water Plan grants at their last meeting because CWCB's budget status and projections were too uncertain at that time. They will resume evaluating Colorado's Water Plan grants at the July board meeting. For

FY20-21, the Legislature swept \$45 million from the severance tax perpetual base fund, a fund that is used to pay for water loans and projects

- The State Legislature approved funding for Colorado’s Water Plan Grant Program (\$7.5 million), the Watershed Restoration Grant Program (\$4 million), and the Alternative Transfer Method (ATM) Grant Program (\$750,000). For FY 21-22, funding will depend on severance taxes, Proposition DD revenues, and how the state recovers economically. CWCB is planning its budget with a lot of caution and contingency options. They expect to receive a state revenue forecast soon, at which point they will have more information on expected budgets for FY 21-22.
- DNR receives 50% of the annually collected severance taxes. Of that 50%, half goes into DNR’s operational fund, and the other half goes into CWCB’s severance tax perpetual base fund. According to a May 2020 economic forecast, DNR’s operational fund will experience a \$2 million shortfall as a result of the reduction of severance tax revenues. To fund DNR’s core programs, DNR will withhold operational funds for DNR grant programs and postpone or stop any discretionary spending in DNR’s core programs. The grant programs that rely on DNR’s operational fund, such as WSRF grants, will be able to use any existing funds in their balance. The Basin Roundtables can continue to make grant recommendations from their WSRF accounts, but CWCB has advised them to use caution and restraint when allocating funding.

Clarifying Questions

Meeting participants asked clarifying questions about CWCB’s budget update. Questions are indicated in italics with corresponding answers in plain text.

QUESTION: Does CWCB have a long-term plan to replace revenues from severance taxes considering that severance taxes will likely continue to decline due to global price variability and state climate goals?

- There is no long-term planning for the decline of severance taxes occurring in CWCB. That conversation needs to happen at the governor and legislative levels.

QUESTION: Is the funding for any projects that were approved for construction funds in previous years in jeopardy?

- No, CWCB funding for projects approved in previous years is not in jeopardy. *How should partners that are recipients of CWCB grant funding interact with CWCB staff if there are delays in the scope, schedule, or budget of the grant as a result of COVID-19?*

CWCB staff is aware that the impacts of COVID-19 are affecting projects in many ways. They expect changes to the scope and timeline of projects and can work with CWCB grantees to address any changes. Those with a CWCB grant should make sure they are communicating with the grant managers about any proposed changes.

BIP AND COLORADO WATER PLAN UPDATES

Russ Sands, CWCB Water Supply Planning Section Chief, gave an update on the BIP and Colorado Water Plan updates.

- The funds for the BIP and Colorado Water Plan updates are secure and already in contract.
- For the past ten years, CWCB has developed and released a variety of reports to support the Colorado Water Plan and BIPs. In 2010, the Statewide Water Supply Initiative (SWSI) data informed the development of the 2014 BIPs and the 2015 version of the Colorado Water Plan. In 2017, CWCB released the *Ripple Effects: Colorado Water Plan in Action* report to give an update on the implementation of the Colorado Water Plan. It also highlighted data gaps, such as the estimated costs of future projects. The July 2019 CWCB Board and IBCC meeting marked the preliminary release of the Colorado Water Plan Technical Update. The final report was presented to the Board during their September 2019 meeting. The Technical

Update helped inform the process to update the BIPs and Colorado Water Plan (see: Chapter 5 of the Technical Update)

- The Basin Roundtables have been leading the discussions to determine what a BIP and Colorado Water Plan update will look like. From the input that the Basin Roundtables provided, CWCB was able to request funding so that funding for the BIP update did not need to come from the WSRF. Additionally, CWCB hired subcontractors at the local level to work with the Basin Roundtables on the BIP updates. Basin Roundtables identified that they wanted to streamline the update process. They also communicated the desire to work on projects on-the-ground and determine the cost estimates and detailed data points that need to be filled to move projects forward. The new water WIG is meant to help Basin Roundtables fill these data gaps and prioritize projects. The last item that the Basin Roundtables communicated they needed was an unpacking of the methodology and five scenarios in the Technical Update.
- The timeline for the BIP and Colorado Water Plan updates will occur between 2020 and 2022. Through Quarter 4 of 2020, the BIP update work will focus on identifying and making decisions around the scope, necessary modeling and studies, and the goals/objectives of the update. Through Quarter 2 of 2021, the BIP update will focus on making decisions that impact projects, strategies, and metrics. Throughout the process, CWCB staff will be drafting the update consistently. Through Quarter 4 of 2021, CWCB staff will refine the text of the BIP update and begin drafting the text for the Colorado Water Plan update. Through Quarter 2 of 2022, they will invite public comment and review of the Colorado Water Plan and BIP draft updates.
- CWCB wants to engage stakeholders from a variety of perspectives to provide input throughout the process. They have a year-long timeline to receive input on decisions to accommodate stakeholders that work seasonally or have limited time. They will also be receiving input from State agencies and staff.
- The BIP and Colorado Water Plan updates are less about creating a final document and more about generating accessible and usable information in a living document to help Basin Roundtables prioritize and make decisions about projects. The information from the BIP updates will be put into a database. Information can be added and amended in the database, which will allow the database to be flexible and adaptable to changing circumstances.
- One goal of the BIP and Colorado Water Plan updates is to find synergies among stakeholders, state agencies, Basin Roundtables, and the original Colorado Water Plan. The goal is not to re-create the BIP and Colorado Water Plan from scratch. Many Basin Roundtables have said their current BIPs work well. If Basin Roundtables like the text of their current BIP, there may be opportunities to create a supplemental strategy document for the BIP.
- The public engagement efforts of the updates will include roundtable discussions as well as cross-basin discussions. CWCB has already been hosting listening sessions on municipal and industrial, forest and watershed health, agriculture, and environment and recreation topics.
- The next steps for the updates will be for CWCB staff to work on basin work plans in July, which will lead up to a staff workshop to put all the information together and identify synergies.

Clarifying Questions

Meeting participants asked a clarifying question about the BIPs and Colorado Water Plan updates. Questions are indicated in italics with corresponding answers in plain text.

QUESTION: Have the local contractors had meetings in which Basin Roundtable members were not able to participate?

- It is typical in any process that contractors have meetings to talk about the process and logistical elements of their work. Local contractors have had biweekly meetings to have these types of discussions.
- There was a training workshop for the local contractors. During the six-day training workshop, there were three one-hour sessions with Basin Roundtable chairs, who were also given the whole agenda for the workshop. One challenge with inviting Basin Roundtable members to this workshop was that if enough Basin Roundtable members had attended, then they would have reached quorum, and the meeting would have become a public meeting. Contractors should have a safe space to ask questions.

- It may not make sense to have Roundtable members at a contractor planning meeting. CWCB staff can share information from the meetings with Basin Roundtable chairs to be transparent.

Group Discussion

Meeting participants discussed the BIP and Colorado Water Plan updates. Their comments are summarized below.

- Basin Roundtable chairs and members should be informed of all contractor meetings and have the opportunity to monitor or participate in those meetings.
- A local contractor at a Basin Roundtable BIP update meeting said that the Basin Roundtable could not discuss compact compliance or demand management in the BIP update. That information was in the previous 2015 version of the BIP. It sounded to some Basin Roundtable members that the local contractor was telling them what they can and cannot do in their BIP update. Basin Roundtables should be consulted when decisions like this are being made.
- The reason for not including compact compliance or demand management in the BIP is to honor the CWCB Board process, which is investigating the feasibility of demand management through a different funding stream. This topic was discussed at the all-chair kick-off meeting during the C-9 summit. Basin Roundtables should proceed with BIP discussions around demand management cautiously so that they do not do anything that could be perceived as injurious from one basin to another or one state to another. The topic of demand management should be discussed at the right time in the BIP update to honor the Board's process and avoid potential legal conflicts.
- CWCB committed to bringing the topic of demand management and compact compliance in the BIP updates to the Basin Roundtables for further discussion

DEMAND MANAGEMENT FEASIBILITY INVESTIGATION UPDATE PRESENTATION

Amy Ostdiek, Deputy Chief of the Federal, Interstate, and Water Information Section at CWCB, shared updates on the ongoing Demand Management feasibility investigation. Her presentation is summarized below.

- Conceptually, Demand Management contemplates the reduction of consumptive water use in a way that is temporary, voluntary, and compensated.
- Demand Management has a legal definition, as outlined in the Demand Management Storage Agreement of the Colorado River Drought Contingency Plan. The Demand Management Storage Agreement provides the Upper Division States authority and space to store water in Lake Powell if the Upper Division States determine Demand Management is feasible and advisable. There is no requirement to use the storage. If created, the storage pool could only be used under certain conditions to ensure compliance with the Colorado River Compact.
- Twenty years of challenging hydrology has put pressure on the Colorado River, which is why the Drought Contingency Plan, including the Demand Management Storage Agreement was developed.
- The Upper Division States have always met their Colorado River Compact obligation. However, given the ongoing hydrological challenges, Colorado has the option to consider ways to avoid a potential involuntary curtailment. If curtailment does occur, it is uncertain what it would look like and how severe it could be. Even though the potential for and severity of curtailment is surrounded by uncertainties, it is prudent to consider potential options to avoid or mitigate it.
- Demand Management is a tool to store water in authorized upper basin reservoirs to potentially maintain compliance with the Colorado River Compact.
- Demand Management could potentially help avoid the federalization of the Upper Basin, in which the federal government would take on a more directive role to manage the water of the Upper Basin States. The federal government already has a heavy hand in managing water in the Lower Basin States. The Upper Basin States have a history of avoiding federalization.
- The Demand Management Storage Agreement lays out specific requirements that must be met to set up a Demand Management program. All the Upper Division States have to determine that a Demand Management program is feasible before moving forward with setting up a potential program. If all the

Upper Division States determine a Demand Management program is feasible, they need to develop a program, which would require many agreements and a discussion with the Lower Basin States. There are many remaining questions about the feasibility of a potential Demand Management program, including how much funding is available, how to get water to Lake Powell, and how to guarantee no water rights injuries in Colorado, and others.

- The Upper Basin States are currently conducting their own feasibility investigations. The CWCB Board will ultimately decide if Demand Management is feasible for Colorado. The CWCB Board provided direction to CWCB staff on how to conduct Colorado's feasibility investigation. The CWCB Demand Management Project Management Team has been implementing a 2019 work plan that laid out the initial steps of a feasibility investigation. These steps included hosting workgroups, workshops, and continued outreach.
- Each workgroup has 10 to 12 members. The Demand Management workgroups include the Agricultural Impacts, Administration and Accounting, Economic Considerations and Local Government, Education and Outreach, Environmental Considerations, Funding, Law and Policy, and Monitoring and Verification Workgroups.
- The implementation of the 2019 work plan is nearly complete. The workgroups formed under the work plan have continued to meet frequently despite the current COVID-19 situation. By hosting workgroup meetings virtually, the workgroups have saved money while continuing to accomplish their work.
- All the workgroups have had their final meetings except for the Agricultural Impacts Workgroup. Each workgroup identified what is important to their group, and they are drafting a document to summarize their discussions for the CWCB Board to discuss. Below are updates on what the Workgroups have been discussing and will likely include in their reports to be included in the update to the Board.
- The Agricultural Impacts Workgroup discussed how to define equity and voluntariness and identify potential unintended secondary impacts of a potential Demand Management program (i.e. community impacts). They also identified the need to ensure that no injury will occur due to participation in the program. Lastly, they discussed large data gaps and what they can learn from potential future pilot programs to fill those gaps.
- The Administration and Accounting Workgroup ran through different scenarios to determine how each scenario would effect on-the-ground administration. They acknowledged that they need to learn from previous work related to water rights administration and accounting. The Workgroup group developed principles for a potential Demand Management program. A Demand Management program should be simple to administer and comply with existing laws and necessary procedures.
- The Economic Considerations and Local Government Workgroup is drafting a document of key considerations relating to a potential Demand Management program. Among their considerations is that local economies and communities should not be harmed as a result of a Demand Management program. They identified the factors that could create adverse impacts on local communities as well as the benefits that local governments and communities could experience from a program with the goal of trying to create a program that has a net positive impact on local communities. There are remaining process questions on how to track the impacts of potential projects and what baseline data is needed to track metrics appropriately.
- The Education and Outreach Workgroup determined that there are different education and outreach needs depending on the phase of the Demand Management feasibility investigation and setting up of a potential program. The education and outreach needs are different during the feasibility investigation versus if a program is potentially set up. They have also been thinking about how to be inclusive in their education and outreach efforts and how to use the appropriate channels to reach people.
- The Environmental Considerations Workgroup identified key considerations of a Demand Management program. They noted that a Demand Management program would not be designed to create environmental benefits at a programmatic level. The purpose of a Demand Management Program is water storage and compact compliance. However, there could be potential environmental benefits of a Demand Management program at a project level. The Environmental Considerations Workgroup discussed what potential environmental benefits they need to track and what tools are available to track those benefits.
- The Funding Workgroup acknowledged that funding is a challenging topic when there are no details about a potential program. The Funding Workgroup ran through scenarios to work through some of the

uncertainties. They worked on identifying potential funding sources under different circumstances. Their work has become more uncertain recently due to COVID-19.

- The Law and Policy Workgroup began by outlining the key provisions of the Demand Management Storage Agreement and the policy statements from the CWCB Board. After discussing those two policy frameworks, they identified what analyses they need to help better understand the legal and policy decision points. They wrote white papers on some of the legal and policy questions. The goal of the Workgroup was not to provide a final answer on legal issues; instead, they were trying to summarize the available information for the CWCB Board to consider.
- The Monitoring and Verification Workgroup ran through different hypotheticals and how those different hypotheticals would impact monitoring and verification efforts. They discussed how previous projects have been monitored to identify key lessons learned. They also discussed how to monitor and verify agricultural and transmountain diversions and to track conserved consumptive use.
- The IBCC's role in the Demand Management conversation has been to discuss the equity component of a potential Demand Management program. The IBCC has been discussing what it would mean for a potential Demand Management program to be equitable, how they could ensure equity, and what equity looks like in practice.
- CWCB staff will deliver a summary report of the IBCC's equity discussions to the CWCB Board. The goal of the summary report is not to present the CWCB Board with a final answer on equity in demand management; the goal is to give the Board a summary report so that the Board can fully consider the IBCC's equity discussions so far.
- CWCB staff is going to bring the information they have collected from the first phase of the feasibility investigation to the CWCB Board. The CWCB Demand Management Project Management Team will create the report with the necessary context and background on what Demand Management is and where the process is so far. The report will include a summary from each of the workgroups, which will also be posted on the CWCB website. The report will not include recommendations for the next steps on the feasibility investigation so that the Board can consider all the information before they discuss next steps.
- The report will go to the CWCB Board in July. The Board will then participate in a full-day workshop to discuss the feasibility investigation. The workshop has not yet been scheduled. It will be open to the public.
- The Upper Colorado River Commission (UCRC) is hiring consultants to assist the Upper Division States with the feasibility investigation. The consultants are not under contract yet. The funding source for this work is currently set to expire in roughly two years.
- The 2007 Colorado River Guidelines directed that the operations of Lake Powell and Lake Mead be coordinated to balance the two reservoirs. The guidelines will expire in 2026, so the Bureau of Reclamation is beginning to plan for those negotiations. The Bureau of Reclamation is not looking at the future operations of the reservoirs yet; instead, they have begun to examine the operations under the 2007 Guidelines from a technical perspective. Colorado's Commissioner to the UCRC, Becky Mitchell will be seeking feedback from stakeholders across the state on how the guidelines have operated to help inform the next steps of the guideline negotiations.

Clarifying Questions

Meeting participants asked a clarifying question about the Demand Management feasibility investigation. Questions are indicated in italics with corresponding answers in plain text.

QUESTION: What is the timing for staff to make recommendations to the CWCB Board and for the Board to make an ultimate decision on a potential Demand Management program?

- There is not a clear answer to this question yet. The CWCB Board needs to consider the information from the workgroups and IBCC before they begin to make decisions about the next steps for the feasibility investigation.
- The planning may become more urgent if the hydrology becomes more challenging.
- The Upper Division States are mindful that the UCRC does not yet have consultants under contract to assist with the feasibility investigation. The Upper Division States may be interested in learning more from the

UCRC's consultant as well before making decisions on the feasibility of a potential Demand Management program.

Group Discussion

Meeting participants discussed the Demand Management program feasibility investigation. Their comments are summarized below.

- Whenever the topic of the federalization of the Upper Division States comes up, it sounds like it is being used to motivate the Upper Division States into a Demand Management program. Some feel this motivating effort would make a Demand Management program less than voluntary.
- The Upper Basin States have only used 4.5 million acre-feet of their allotted 7.5 million acre-feet and avoided federalization for a long time. The Lower Basin States were federalized because they could not agree on apportionments. There are reasons why the Lower Basin States are federalized, and the Upper Basin States are not. A Demand Management program is not a necessary program to avoid federalization, and the State should be clear that the choice is not between federalization or Demand Management.
- Federalization is not guaranteed to occur if a Demand Management program is not set up. However, if Compact administration does occur, there are big unknowns related to what litigation could look like and how the Bureau of Reclamation and Supreme Court would determine certain issues if Lake Powell's water levels drop. Colorado should consider whether Demand Management may be a viable option for avoiding curtailment but acknowledge that Demand Management is not necessarily the only solution to the issues of the Colorado River Basin or a foregone conclusion. There is still an open question about what the right path forward is.

IBCC REPORT ON EQUITY AND DEMAND MANAGEMENT DISCUSSION

Meeting participants discussed the four-page summary report on the IBCC's equity and Demand Management discussions that will be sent to the CWCB Board in order to ensure IBCC's voice is captured in the DM memo that is going to the board in early July in advance of their upcoming meeting.

Acting as a de facto Demand Management workgroup on equity, the IBCC adds to the eight existing Demand Management workgroups identified in the CWCB Board approved FY 2019 Work Plan. Those workgroups have also had summarized discussions that are going to the Board. These collective discussions and outputs will be discussed at the July 15, 2020 CWCB Board meeting. A CWCB Board workshop on Demand Management will also be held in the following months. The goal of this IBCC summary is to capture discussion at the past two IBCC meetings (as well as subsequent conversations at this IBCC meeting) regarding equity in Demand Management. There are differing views on equity and Demand Management within the IBCC, and the intention of the summary report is to not superimpose any decisions or make any recommendations - it is simply to capture the ranges of conversations around equity to date.

IBCC discussion around this topic is summarized below:

- There is a remaining question about why a single-payer Demand Management pool is the only option being considered for a Demand Management program and not other alternative solutions, like a water market. A single-payer Demand Management pool will not be feasible if the State does not have any money to put into the pool. Additionally, cities should be able to put their water into Lake Powell to protect themselves in the case of a future compliance call. A single-payer pool raises questions about equity, voluntariness, and the ability to participate.
- There was discussion about how a Demand Management program may operate in compliance with the Demand Management Storage Agreement. The Storage Agreement states that water may only be released at the direction of the Upper Colorado River Commission for Compact compliance purposes. However, there was discussion about how that pool may be managed at a state level and the implications for program design, including single-payer and other market concepts.

- Some expressed concern that a potential Demand Management program may allow for speculation of irrigated land, which is leading to buy-and-dry in the Grand Valley. This speculation of irrigated land should be incorporated into the IBCC summary report. There is legislation that passed in the State Legislature to convene a working group to explore this issue. A member of that working group should come to an IBCC meeting to discuss the issue.
- There are comments in the summary report that say that flexibility is necessary but not sufficient to address equity. A Demand Management program allows for more flexibility than a curtailment program. If flexibility is important and desired, then a Demand Management approach is likely a better option than a top-down curtailment administration approach. The document should say that equity considerations should not be a barrier to delivering water into Lake Powell and that a flexible program designed proactively will allow the State to be more equitable in its administration when compared to a top-down approach.
- The report should outline that the equity conversation should be discussed as a shared responsibility across Colorado. The State is managing its collective risk as a whole, and stakeholders across Colorado need to acknowledge their shared responsibility in both sharing the benefits and managing the risk.
- Areas across the state have different risks and different perceptions of risk. Some areas would not understand their risk if they did not conduct a compact compliance study themselves. Entities will disagree if all the areas across the state are categorized as having the same risk, which indicates that the IBCC has not reached a consensus on the issue.
- The IBCC has not had the opportunity to have in-depth discussions on equity and demand management. There is no consensus on the topic, which makes this summary report seem premature.
- If the IBCC had more time to narrow down hypotheticals and have a deeper conversation about future scenarios, they may have been able to find a combination of hypotheticals that could produce a more equitable outcome. IBCC is a consensus-based organization, and there is an opportunity for consensus that has not been explored. The summary report should emphasize there has not been enough time for the IBCC to develop and reach a consensus yet.
- The IBCC should indicate that they would like to continue their discussion around equity. The Demand Management feasibility investigation is still in its early stages, and it is difficult to talk about equity when there are no concrete programs. The discussion is meant to be ongoing and iterative, and there are many discussions to still be had. No one expected that the IBCC could solve all the problems or reach a consensus in a year.
- The purpose of the IBCC is to search for good ideas from every corner of the state. The conversations that the IBCC has had on equity will help inform the statewide conversation. It is possible to say that the IBCC has not made any consensus decisions while also sharing what the thoughts of the IBCC members have been so far. Once the Board reviews the summary of the IBCC's discussion so far, the Board can ask questions and provide direction to help focus the IBCC's discussions in the future.
- In the future, there might be an opportunity for each Basin Roundtable to express concerns during an IBCC meeting to bring basin-specific perspectives into the discussion.
- The IBCC should consider having Zoom meetings every month or two months with fewer presentations on the front end so that they have enough time to discuss ideas. Presentations could potentially be recorded and sent out in advance. They should also consider recording virtual meetings. If this were to be a consideration, IBCC would need to vote on each of these items. Currently, the IBCC is set to meet three times a year per the IBCC vote in 2019.

Revisions to the Summary Report

The following are the revisions that IBCC members agreed to add to the IBCC's summary report.

- The summary report should clarify that the purpose of the document is to serve as a summary of discussions to date but not as a consensus document. The support should outline that the IBCC has only had preliminary conversations, has not reached a consensus, and would like to continue discussions to see if they can reach a consensus.

- A bullet should express that there are concerns among some IBCC members that the only option being considered for a potential Demand Management program is a single-payer pool option and that the IBCC needs to discuss these concerns further.
- A bullet should express that there are concerns among some IBCC members on the speculation of irrigated lands as a result of a potential Demand Management program that is leading to buy-and-dry and that the IBCC needs to discuss these concerns further.
- There should be added language that specifies that the IBCC should engage with the legislatively tasked working group that is going to explore anti-water speculation laws

Revisions to the Summary Report

The following are the revisions that IBCC members agreed to add to the IBCC’s summary report.

- The summary report should clarify that the purpose of the document is to serve as a summary of discussions to date but not as a consensus document. The support should outline that the IBCC has only had preliminary conversations, has not reached a consensus, and would like to continue discussions to see if they can reach a consensus.
- A bullet should express that there are concerns among some IBCC members that the only option being considered for a potential demand management program is a single-payer pool option and that the IBCC needs to discuss these concerns further.
- A bullet should express that there are concerns among some IBCC members on the speculation of irrigated lands as a result of a potential demand management program that is leading to buy-and-dry and that the IBCC needs to discuss these concerns further.
- There should be added language that specifies that the IBCC should engage with the legislatively tasked working group that is going to explore anti-water speculation laws.

NEXT TOPICS FOR IBCC DISCUSSION

Meeting participants discussed what topics they would like to explore at IBCC meetings. Their comments are summarized below.

- Compact compliance is an important topic. The IBCC should be informed about what is occurring with the negotiations on the 2026 guidelines between now and 2026. Being briefed regularly would help prevent any surprises.
- Forest health and cloud seeding are important topics to the Southwest Basin Roundtable.
- The conceptual framework, transmountain diversions, and third party topic is important to the Rio Grande River Basin. There is a third party in the Rio Grande River Basin that is promoting the idea that they can build a transmountain diversion through social media.
- Some topics may be good for discussions, and others may be good for presentations.
- The assignment for the IBCC is to return to their respective roundtables and ask them the following questions related to the potential IBCC discussion topics (listed below): 1) what do they already know, 2) what more do they want to learn about this topic, and 3) what do they want the IBCC to do related to the topic.

NEXT TOPICS FOR IBCC POLLING

IBCC members were polled on what topics they would like to explore at IBCC meetings further. The polling results are summarized below. ¹

What are the two topics the IBCC should take on next?

<i>Response²</i>	<i>Percentage of Responses</i>
Funding, Impacts to Basin and Water Plan Update	32%
Conceptual Framework, TMDs, and 3 rd Parties	29%
Compact Compliance, Big River Issues	16%
Forest Health and Impacts to Water	13%
ATMs, Progress and Policy	6%

¹The online live polling conducted was non-binding and intended to inform conversation; there may have been instances where IBCC members did not vote or where others who are not members of IBCC voted.

² The IBCC would like to continue discussing demand management and equity at future meetings, so it was not included as a topic in the poll.

CLOSING REMARKS

Russ George, IBCC Director of Compact Negotiations, gave closing remarks for the meeting. His comments are summarized below.

- The IBCC continues to do good work. The discussions of the IBCC are valuable in making sure everyone has the same base of information and understanding.
- The IBCC will continue emphasizing listening, discussing, and engaging as they move forward to address Colorado's water challenges.

NEXT STEPS

- CWCB staff will finalize the IBCC's summary report on their equity discussions next week and send it out to the IBCC for their review before sending it to the CWCB Board.
- IBCC members will return to their respective roundtables and ask them the following questions related to the potential IBCC discussion topics (listed above): 1) what do they already know, 2) what more do they want to learn about this topic, and 3) what do they want the IBCC to do related to the topic.