



## ARKANSAS BASIN ROUNDTABLE EXECUTIVE COMMITTEE ZOOM MEETING NOTES Wednesday

### Executive Committee/Guests Present:

- |                                |                               |
|--------------------------------|-------------------------------|
| Mark Shea – Chair              | Terry Scanga                  |
| Al Tucker - Rec                | Lindsey Griffith              |
| Paul Fanning – PEPO            | Jonathan Paklaian – ARWC      |
| Sandy White – Past Chair       | Amber Shanklin - ARWC         |
| Bob Hamel – Vch Env/Rec        | Chris Wisemen -               |
| Sara Mudge – Lake County       | Avid Ahmed – Aurora Water     |
| Abby Ortega – Needs Assessment | Greg Felt – Chaffee Cnty Comm |
| Steve Kastner – Vch Cons.      | Sam Stein - CWCB              |
| Tim Canterbury                 | Russ Sands – CWCB             |
| Kat Weismiller                 | Matt Heimrich                 |

### Greetings and necessary introductions:

Mark called the meeting to order @ 10:31 noting a quorum present.

### Minutes/Notes of Previous meeting:

Mark called for comments or corrections to the January 12, 2022 Executive Committee Minutes hearing none the approved by consensus.

### Reoccurring matters:

- **Chair Comments –**
  - Mark Shea announced our newest member from Park County, Amy Mitchell she has recently been appointed by the Park County Commissioners. Another interested person is Bob Partsman(s) from Canyon City.
  - Mark also mentioned that we’re looking to finalize our 2022 roster and would like it to be reviewed for any updates or corrections and get it back to Elise. We’re still looking to fill some of our vacant seats.
  - We’re looking to begin hybrid/ in person meetings as soon as March and will be sending confirmations for in person meeting list and who will still be attending via Zoom. Steve Kastner mentioned that the virtual meetings do make it possible for presenters not able to commute in person can still participate. An option Mark is looking at would be quarterly in person, as well. We’ll follow up with this discussion at our next upcoming up meetings.
- **Outstanding Reports – Executive Committee Members**
  - Mark opened up discussion for Executive Committee membership we’ll follow-up at next month’s meeting, as well. This is also interrelated to the ARWC board and its makeup. This was resolved when Amber and Sara became a member of the Executive



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Committee to be ARWC board members. We're now amending these Bylaws to permanently resolve this issue. It was felt that the current makeup of the Executive Committee is important, but we need to consider that some of these members are stretched for time and how to best utilize everybody's time fittingly. Mark pointed out that reviewing our Bylaws and the makeup of the Executive Committee is something we need to address.

- **Outstanding Reports – Watershed Health**

- Mark acknowledged that many of our sister Roundtables have taken a real focused interest in watershed health and wildfire risk as it relates to protection of water resource's health. Mark has been contacted and participated in conversations with other Roundtables, including staff members of CWCB opening the prospect of creating a Watershed Health seat on the Roundtables. This proposed additional Roundtable seat has been brought to the attention of our Attorney General's office regarding an additional seat and was informed the Roundtable's do not have the authority add seats voting or non-voting.

This decision may have ripple effects on other member seats which Mark wishes to further dialogue on specifically Mark's seat. Mark proposed this question to Sandy as our Past Chair when this occurred. Sandy advised that we should continue as we have in serving our Basin's needs. Sam Stein added that the issue of additional seats as viewed by the AG's office is balance within the basins regarding the original intent. Russ felt forest health is too important not to somehow focus more on. Russ indicated these rules overall support our Roundtable's intent. Paul Fanning indicated we may look to revisions in the process of the Statute in providing seats. Al Tucker pointed to the issue of many unforeseen water issues that have arisen that need addressing. An example was our support and creation of ARWC. Sandy pointed to the provision in section 104(a) I specifying an opt-out provision as an alternative. Mark indicated our ten At Large seats that are specifically designated. One issue is opening the door and several seats that or focused not on Basin. Russ clarified the opt out may refer to the IBCC section only. Mark still strongly feels watershed health is too important not to continue pursuing this area and Mark will bring this up at the All Chairs meeting March 1<sup>st</sup>.

- **Outstanding Reports – Members**

Mark ask if anyone else had any reports to share. Hearing none went to Roundtable Business.

## Roundtable Business:

- Demand Management Discussion
- ABRT BIP Acceptance of Volume 1 and Finalize Volume 2
  - Mark opened the discussion for the final versions of Vol's 1 & 2. Sandy asked for further discussions regarding the list of projects in Vol 2. Lindsey stated the projects are in Appendix B Vol 2. There is also an online data base list that was also used to populate Appendix B. Bob Hamel asked for clarification of the issue of proponents outside the Roundtable project approval process. Mark said this still needs to be addressed in a way



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that is satisfactory to both Roundtable and proponents who want their proposals listed. We need to identify who are the point people for the projects. Sam Stein pointed out the issue of confidentiality and being listed on an online data base. Bob suggested and-opt out of being listed if concerns of confidentiality arise.

Sandy pointed to three Huerfano County projects listed in the BIP that are speculator projects that intend to move water out of the county that have access to other funds other than state funding. This is why he'd previously understood these would be 100% Roundtable proposed projects and now we have projects not approved by our county officials appearing to be legitimate county projects.

Furthermore, this may cause issues with Water Court cases where these projects now listed in our BIP document falsely emerge as being ours. Sam indicated language throughout the BIP may point to these particular projects as not being following the Roundtable process for approval. Which further point to the need for calling on CWCB staff or our legal counsel for depositions during Water Court Hearings?

Al Tucker pointed to the need for emphasizing our process laid out in our governing documents regarding approval process for BIP listed projects. These would then be listed identifying them vs projects listed by organizations that have their own external funding and haven't gone through our vetting procedures. This still allows these projects to be listed but in a different category from our assessments that preserves adjudicated water rights and prior appropriation's procedures. Our processes ensure our approvals follow Colorado's water rights protections under Colorado statutes.

Lisa responded that there have been postings in BIP volumes one and two that should address some of these concerns. Mark pointed out the need to ensure the language we've been discussing regarding AG transfers is included and clearly stated. Terry Scanga that there is language that points to projects we've approved but there's vagueness in determining these projects from others being listed.

Abby Ortega pointed to the increased demand from scrutinizing projects that get listed but don't require the funding and support from the Roundtable and these may be fully responsible projects being listed as an example a public utilities' project that is necessary but doesn't require funding from our sources.

Sandy stated that it's always been assumed that project sponsors have sought a letter of support from the Roundtables but that isn't necessary so how do we address this? Russ Sands agreed this needs further discussions perhaps at CWCB or the coming All Chairs meeting. Mark agreed the need for keeping the Roundtables somehow in the loop. Sam Stein agreed there needs to establish these communication links with PEPO and CWCB proposed projects.

Lindsey brought up the projects listing in BIP Vol 2 Appendix B and it was pointed out the Tier's wording of "supported and ready" would best be changed since some projects may show in Tier 1-4 and not be Roundtable projects. It was agreed to reword this.

## Upcoming Meetings:



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- Arkansas Basing Roundtable – March 9, 2022
  - Executive Committee – 10:30 AM
  - Roundtable – 12:30 PM
- Committees –
  - PEPOW – February 16<sup>th</sup>, 1:30 – 3:00 pm
  - Enviro/Rec Comm. – February 28, 2022
  - Ag/Municipal Comm. – March 8<sup>th</sup>, 11:00 am – 1:00 pm
- IBCC –
- CWCB –
- ARWC –

## Adjourn