

## Advancements on Efficient Permitting and State Support for Projects

The Colorado Water Plan (Water Plan) realizes its highest potential through thoughtful collaboration that aims to reduce barriers, find solutions and advance multibenefit projects. How quickly these projects can advance is sometimes determined by how quickly local, state and federal governments can coordinate on any required permitting, licensing, review, certification, mitigation plans or other required approvals. After required approvals at the state-level are achieved, it can also include state support for projects - primarily with funding but, at times, with written or verbal endorsement.<sup>1</sup> To cover all of these points, the 2015 Water Plan included a section called, *A Framework for a More Efficient Permitting Process*. The subsection of that chapter with criteria pertaining to state support was also specifically referenced in legislation.<sup>2</sup> This document serves to explain how the intent of what was Chapter 9.4 in the 2015 plan is captured in Chapter 3 of the 2023 Water Plan and provides additional context.

Legislation around the Colorado Water Plan establishes many things including a section that calls on the CWCB board to evaluate each eligible project grant application based on the following four criteria: a) Alignment with the applicable Basin Implementation Plan (BIP); b) Project impact with preference given to projects that have multiple benefits, multiple purposes and involve multiple stakeholders; c) The anticipated project start date; and d) Conformity with the criteria for state support specified in section 9.4 of the state water plan, entitled “Framework for a More Efficient Permitting Process.” The latter specifically relates to a section in Chapter 9.4 of the 2015 Plan which broadly relates to permitting but also to the criteria noted in the subheading, *State Support for Projects Aligned with Colorado’s Water Values*. It should be noted that both the water values and the referenced criteria from 2015 are incorporated into Chapter 3 of the 2023 Water Plan.<sup>3</sup>

However, in streamlining the text in the 2023 Water Plan, a few key points of clarification are made:

1. The criteria generally applies to any project being funded through Water Plan Grants, not just those undergoing a permitting or other approval process (e.g. all projects must consider [Colorado Water Law](#)).
2. [The Colorado Water Supply and Permitting Handbook](#) which was first created in 2017 and provides in-depth permitting guidance and state process optimization, is the main state resource for local, state, and federal permitting compliance.
3. Th projects coming to CWCB for Water Plan grant funding must comply with the CWCB [Water Plan Grant Program](#) Criteria and Guidelines (criteria) which generally includes criteria listed in legislation and in the other referenced materials above.

While more succinctly covered in the 2023 Water Plan section in Chapter 3, the 2015 Water Plan framed-up much of the criteria as a series of questions. The longer list of considerations from section 9.4 of the 2015 Water Plan is included in Table 1 (below). It has been updated slightly, only to clean-up outdated references and rephrase questions into statements.

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<sup>1</sup> Funding a project does not in and of itself indicate it or the findings are fully endorsed by the state. Any verbal or written endorsement may be evaluated using the same criteria in conjunction with considering the full breadth and spirit of the Colorado Water Plan.

<sup>2</sup> § 37-60-106.3 (6) (d) The board shall evaluate each eligible project grant application based on the following criteria: (I) Conformity with the criteria for state support specified in section 9.4 of the state water plan, entitled "Framework for a More Efficient Permitting Process", as amended; (II) Alignment with the applicable basin implementation plan; (III) The impact of the proposed project, with preference given to projects that have multiple benefits and multiple purposes and involve multiple stakeholders; and (IV) The anticipated project start date.

<sup>3</sup> Criteria includes ensuring: 1) the project proponent demonstrates a commitment to collaboration including multiple participants and project impacts that have the ability to provide multiple benefits, and multipurpose project development. 2) The project proponent addresses an identified water gap, risk, or need identified in the Water Plan, statewide water supply initiative (now the Technical Update), and/or a BIP, 3) The project proponent demonstrates sustainability as it pertains to environmental and recreational interests, water conservation, water quality, economic and social impacts, maximizing beneficial use, partnerships with local government, and conforms with water law. 4) The project proponent establishes the fiscal and technical feasibility of the project including the total cost and local investment or contribution.

**Table 1. Criteria for State Supported Projects to Ensure Alignment with Colorado’s Water Values**

<b>Commits to collaboration</b>	<ul style="list-style-type: none"> <li>• Project proponent identified;</li> <li>• Addresses more than one type of need;</li> <li>• Involves multiple participants where appropriate;</li> <li>• Consults with a broad set of local stakeholders and local governments before or early in the regulatory process (examples of stakeholders include relevant basin roundtables, water users, conservation groups, and community groups);</li> <li>• Provides meaningful opportunities for input.</li> </ul>
<b>Addresses a water gap/risk</b>	<ul style="list-style-type: none"> <li>• Included in a Basin Implementation Plan;</li> <li>• Identified as meeting a defined need in a basin needs assessment; Identified as meeting a defined need in a statewide planning initiative like The Analysis and Technical Update to the Colorado Water Plan;</li> <li>• Identified as part of the Water Plan or scenario planning process.</li> </ul>
<b>Demonstrates sustainability</b>	<ul style="list-style-type: none"> <li>• Adopts an integrated plan or plans geared toward implementing the progressive conservation best practices;</li> <li>• Avoids adverse effects to environmental and recreational interests or adopt environmental, watershed health, and recreational mitigation in the planning phase of the project, prior to consideration in the permitting phase of alternatives that minimize or avoid adverse effects (project proponents should consider use of existing tools if available, such as stream management plans or other river health assessment tools that follow state guidance, instream flow water rights, water leasing, restoration, infrastructure upgrades, and consumptive use efficiencies);</li> <li>• Avoids impacts to, mitigate, or enhance water quality, such as exceeding water quality standards or impairment of classified uses;</li> <li>• Mitigates or avoid economic and social impacts on agricultural and rural communities; Maximizes the use of water resources (through reuse, firming the yield of existing supplies, water sharing arrangements, improving or modernizing aging infrastructure, or aquifer storage and recharge projects);</li> <li>• Partner with the local government(s) being served by the water project to incorporate best water use practices into land use planning efforts (these practices are included in water and land use trainings offered by CWCB and DOLA);</li> <li>• Demonstrate that the project will not unreasonably increase the risk of non-compliance with any interstate compact or the curtailment of existing water rights (projects depending on water from the Colorado River system can demonstrate this commitment by agreeing to participate in the collaborative contingency planning efforts.</li> </ul>
<b>Is feasible</b>	<ul style="list-style-type: none"> <li>• Over-all cost-effectiveness; Local investment or contribution;</li> <li>• Financial capability to repay debt (bonds, loans, or other debt instruments); Intent to leverage any state grant or loan with private, local, or federal funding;</li> <li>• Technical and legal availability of water supplies for the project; or readiness to proceed upon receipt of necessary funding and permits (i.e. completed preliminary planning and design work,</li> <li>• Obtained necessary water rights, secured necessary financial commitments).</li> </ul>