



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

Jared Polis, Governor

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TO: CWCB Board

FROM: Russ Sands, Section Chief - Water Supply Planning

DATE: January 24, 2023 - CWCB Board Meeting

ITEM: AGENDA #22 Water Plan Status Update

Staff Recommendation: Staff Recommend the Colorado Water Conservation Board (CWCB) board vote to adopt the 2023 Colorado Water Plan and 2023 Executive Summary to the Colorado Water Plan.

Introduction and Background

The work of updating the Colorado Water Plan (Water Plan) effectively began immediately after the conclusion of the 2015 plan and never stopped. This included the Analysis and Technical Update to the Water Plan (Tech Update), updating the Basin Implementation Plans (BIPs) and ultimately developing the comprehensive update to the Water Plan which is now complete. This full process took approximately eight years of continuous work for CWCB staff. It represents a monumental step forward in clarifying the intent, scope and vision for the Water Plan through the lens of what CWCB can help advance while still inspiring and leading others to embrace the plan as a framework and bridge to action.

Beyond the historic nature of the update, the work to engage stakeholders has been unprecedented. The 30,000 public comments on the first Water Plan came in and feedback has never stopped - nor has staff's commitment to engaging in thoughtful discussion and advancing progress.

Since 2015, staff have engaged with roundtables, worked with the Interbasin Compact Committee, created Technical Advisory Groups for the Technical Updated, created a Basin Implementation Working Group for the Basin IMplementation Plan, held a Colorado Nine Roundtable Summit (C-9 Summit in advance of the BIPs and Water Plan contracting), launched multiple listening sessions, held a year-long Water Equity Task Force to inform the plan and inserted an entire scoping phase with over 15 public events in advance of drafting of the 2023 Water Plan. All of this informed the 2023 Water Plan as did public comments collected along the way.

With the release of the 2023 Water Plan draft, staff launched an extensive outreach process

that included attending or hosting events in all 64 counties in Colorado and yielded an array of comments gathered through an online portal tool, four listening sessions, from staff engagements, and from letters submitted via email. In total, the public comment period yielded over 528 pages of comments, 1,597 suggested edits to the plan and more than 2,000 observations.¹ Public comments included everything from general thoughts and water priorities to specific text edits that CWCB has sorted and evaluated. A deeper dive into this work is captured in the [November 2020 board memo](#) and [presentation](#).

In November 2022 the CWCB board approved an approach to respond to and address the comments received during the public comment period. The resulting sideboards are reattached here for this memo with any changes noted in November (see Attachment A).² Staff worked to resolve public comments using the sideboards as directed by the CWCB Board. Pending approval, staff will publish the public comment log, the [final 2023 Water Plan](#) and the [2023 Water Plan Executive Summary](#) as well as other materials on January 24th after the board meeting. Staff also worked to translate the Water Plan and the Executive Summary and those will also be posted online.

Water Plan documents are largely intended to live online and the full document may be printed only in very limited quantities. Staff will print copies of the smaller Water Plan Executive Summary and any related one-page information sheets for stakeholders and the public at various events.

¹ The numbers noted here are slightly higher than those noted in the November 2022 board memo/meeting packet as final tallies were recounted during the work to create the final draft.

² One minor change was requested to Sideboard number seven during the November Board Meeting and this is captured in Attachment A - the final sideboards that will be posted publicly.

ATTACHMENT A - Sideboards

1. **USING NON-PRESCRIPTIVE LANGUAGE** - CWCB uses terms like “should” and “can” in the Water Plan, rather than more rigid or prescriptive terms that suggest a regulatory or other requirement where one does not exist. The CWCB is not a regulatory agency, cannot enforce regulations and is careful not to imply requirements where they do not exist. The Water Plan provides a vision for the state to follow, and the CWCB supports stakeholders as they take actions and implement projects pursuant to the vision. The CWCB supports stakeholders by providing funding, fostering collaboration, and developing supportive tools and research. The CWCB does not attempt to overly constrain stakeholders or discourage participation.
2. **CREATING ADAPTIVE PLANS (actions, tools, language, etc.)** - The CWCB worked with collaborating agencies to draft the Water Plan’s *Agency Actions*. The actions have cross-agency buy-in and provide a high-level description of the activities that will take place, knowing that they must be adaptive to changing conditions. The flexibility within the actions recognizes that agencies need to be responsive to acute issues/changing conditions, are dependent on funding requests, may have staffing changes, and may experience other variables that are often outside of an agency’s control. As a result, *Agency Actions* are intended to create accountability without undue constraints. Details describing staff leads, start dates, budgets and discrete tasks are often intentionally not specified for these reasons. Knowing that project needs may change in the future, the detail provided is appropriate for a 10-year plan that will need to reevaluate budget, stakeholders and scope when actions are implemented. For similar reasons, the plan only identifies collaborating state agencies who have committed to “leading” or “collaborating” on an Agency Action. Additional agencies may participate and may adopt a more prominent role in the future and can always be consulted as actions develop.
3. **MAKING SUBSTANTIVE CHANGES DURING SUBSEQUENT CYCLICAL UPDATES** - The CWCB will not conduct new analyses, revise data sets, include new methodologies or reference new analyses CWCB has not fully vetted before the Water Plan is released. The CWCB has funded numerous projects, analyses, and products with grants or loans, but the CWCB does not necessarily agree with, endorse or will adopt the end product or research. Analysis or research that is included in the Water Plan has been carefully referenced. Similarly, the methodologies and data were vetted by the CWCB Board, staff, consultants and stakeholders involvement - particularly during the 2019 Technical Update. The next Technical Update (2025-2029) offers the next, best opportunity for reevaluating the approach. This work ultimately folds into the next round of basin implementation planning (2029-2031) and will inform the 2033 Water Plan update. These three pillars form the major milestones of the Water Plan and agency actions sequence around them. With each milestone, many associated stakeholder engagement efforts and the public comment periods will provide time for reevaluation and adjustment. To that end, the CWCB does not plan to make changes that alter the work of the Technical Update or BIPs at this time.
4. **TRACKING PROGRESS THROUGH ACTIONS** - The updated Water Plan emphasizes tracking progress through more clearly defined actions. The goal of this update is to maintain the visionary character of the Water Plan while making it more actionable and transparent and also

be accountable and honest about what the CWCB can and cannot do. The Water Plan provides clear vision statements, project-level examples of partner actions, and adaptive agency actions that acknowledge future uncertainty while still making the plan significantly more accountable. Three explicit ways CWCB will track progress and trends include:

- a. Partner Actions funded by CWCB will be tracked through CWCB's investment in the Grant and Loan Portal and needed future projects will be tracked through the recently developed Project Database.
 - b. Agency Actions will be tracked by their completion and pivot around the major milestones of the Technical Update, the BIPs and the Water Plan; other actions generally have to sequence around these timelines as many of the actions in the Water Plan build off of one another and need to be completed for prior to each milestone.
 - c. The action to complete the next Technical Update (Agency Action 5.1) marks the initiative by which CWCB tracks state trends and evaluates data.
5. **WORKING WITHIN CWCB's SPECIFIC AUTHORITY** - CWCB is bound by its statutory authority that governs its mission, board, funding, the roundtables, the Interbasin Compact Committee, and the Water Plan. Only the legislature has the authority to create new staff positions and funding. The CWCB Board can and does fund certain programs, but only where statutorily authorized. Neither the CWCB or the Water Plan are authorized to direct other branches of government and it cannot require other agencies to staff, fund, or implement the Water Plan unless otherwise identified in statute (e.g. permitting coordination with Colorado Parks and Wildlife). The CWCB can encourage inter-agency coordination, process development, fund projects and support policy, but it has little if any enforcement authority. The CWCB board makes decisions about funding from the Severance Tax Operational Account, transfers from the Perpetual Base Fund to the Water Supply Reserve Fund, and recommends funding programs and projects to the legislature through the annual Water Projects Bill. \ At least annually the CWCB board reviews budget needs at the finance committee and at the September board meeting, and it consistently reviews funding opportunities.
6. **STRIVING FOR BREVITY AND READABILITY** - Shortening the Water Plan to improve accessibility was a major goal of the current update. CWCB strives to use plain language, reduce acronyms, and limit technical detail to the extent practical. Acknowledging comments that the plan is still lengthy, CWCB will limit additions to the Plan to those that clarify and add context. This is especially true where new technical terms and jargon may add confusion, be divisive and/or where definitions are not always agreed-upon by practitioners. In reviewing comments, CWCB will attempt to capture the general spirit of the comments that lend themselves to text modifications, but will likely not make verbatim edits in most cases. The Water Plan update is intended to be short, consumable and readable for those with basic water knowledge seeking to learn more, as well as the general public.
7. **FINDING CREATIVE SOLUTIONS WITHIN COLORADO WATER LAW** - The updated Water Plan, like the original 2015 plan, definitively supports existing Colorado Water Law and the Prior Appropriation doctrine. The Water Plan highlights the certainty and flexibility our water rights system provides. Many water users would like increased flexibility, which can be found within our existing water law and legal processes. The Water Plan encourages stakeholders to develop system-supported innovative and creative solutions and collaborate on issues that are sometimes contentious. The Water Plan encourages stakeholders to develop innovative and

creative solutions that work within the system and to find middle ground on issues that are sometimes contentious.

8. **ACKNOWLEDGING LOCAL CONTROL DRIVES IMPLEMENTATION** - While compacts and interstate decisions are noted in context, the Colorado Water Plan focuses on Colorado's intrastate challenges. In fact, the primary purpose of the Water Plan as defined in legislation is to "determine state policy regarding the optimal conservation and development of Colorado's water resources." The Water Plan is a policy document led by an agency that does not build projects. Colorado is a local-control state, and "optimal" levels of conservation and development must ultimately be decided and implemented at the local level. The Water Plan serves as a framework or guide for thoughtfully supporting local and regional water conversations regarding what is optimal - backed by funding for Partner Actions (local projects) and supported by Agency Actions (helpful tools and research). Local projects and policies ultimately move the Water Plan forward and the Water Plan is meant to support those efforts. The plan's vision and actions, along with CWCB funding programs, are meant to support local tools that can minimize impacts and maximize benefits to all sectors and the greater Colorado economy.

9. **ADVANCING CONTINUOUS IMPROVEMENT THROUGH ITERATIVE ENGAGEMENT** - The CWCB board and agency staff continually engage with stakeholders and evaluate opportunities for improving processes, programs, and projects. The CWCB works on a broad array of initiatives under its statutory authority including but not limited to the Agency Actions described in the Water Plan. The CWCB seeks to engage new stakeholders in inclusive ways that reduce barriers. The Water Plan is meant to support varied discussions that advance creative projects and solutions, which are often proposed by local grass-roots organizations. Some topics or issues may need more consideration or stakeholder input before being included in the Water Plan but the Water Plan is broad enough to accommodate future innovations and shifts. Just because a specific idea or detail isn't explicitly covered in the Water Plan doesn't mean it isn't supported if it generally conforms to the visions and values of the Water Plan.