

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF THE RULEMAKING HEARING TO REVISE RULES CONCERNING THE COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM, 2 CCR 408-2

ORDER REGARDING HEARING PROCEDURES, TESTIMONY, AND TIME ALLOCATIONS

The Parties provided desired time allocations for making presentations to the Colorado Water Conservation Board (“CWCB” or “Board”) in this matter in their Prehearing Statements. The Hearing Officer then held a Prehearing Conference on December 17, 2020 and issued the Order re: Withdrawal of City of Aurora’s Party Status, Request for Revised Desired Testimony Times, and Deadline for Submission of Demonstrative Exhibits on January 4, 2021, in both cases requesting, in part, that the Parties provide revised desired time allocations for making their presentations to the Board. Based on the information received and other considerations, the Hearing Officer issues this Order Regarding Hearing Procedures, Testimony, and Time Allocations:

1. Hearing Time and Location.

The Board will conduct this Rulemaking in conjunction with the CWCB’s January 2021 meeting, beginning at 9:00 a.m. on January 26, 2021, via video conference. Although it was previously stated that more specific participation information would be provided on the CWCB’s website and by order of the Hearing Officer, participation information will instead be sent directly to the Parties via email.

2. Rulemaking Hearing Order and Topics.

- a. Roll call of Board members
- b. Public comment period (if any; limited to 3 minutes per person)
- c. Consideration of procedural matters (if any)
- d. CWCB Staff’s presentation of the Proposed Rules
- e. Party presentations
- f. Party closing statements
- g. CWCB Staff’s closing statement
- f. Board member deliberations
- g. Closing the record
- h. Decision on Final Proposed Rules

3. Party Time Allocation and Order of Presentations.

Each Party may provide its presentation and closing statement as set out below. Time taken in responding to Board questions shall *not* be taken from the responding Party’s allotted time and Board questions shall generally occur after each Party completes its presentation or closing statement.

Party	Presentation Time	Closing Statement Time
CWCB Staff	60 minutes	15 minutes
Colorado Parks and Wildlife	5 minutes	2 minutes
Colorado River Water Conservation District	5 minutes	None
Colorado Water Trust	10 minutes	5 minutes
The Nature Conservancy	5 minutes	None
Trout Unlimited	5 minutes	None
Western Resource Advocates, Conservation Colorado, and the National Audubon Society	5 minutes	None

4. PowerPoint Presentations and other Demonstrative Exhibits.

Any Party may utilize PowerPoint slides or other demonstrative exhibits as part of its presentation. If a Party plans to use PowerPoint slides or other demonstrative exhibits, as previously established in the Order re: Withdrawal of City of Aurora’s Party Status, Request for Revised Desired Testimony Times, and Deadline for Submission of Demonstrative Exhibits, that Party must file said exhibits in this proceeding by January 21, 2021 at 5:00 p.m. The Hearing Officer hereby requests CWCB Staff to provide these exhibits to the CWCB’s hearing support/technical team so that they are loaded in advance of the hearing.

This Order supersedes the Notice of Public Rulemaking (“NoPR”) and other procedures previously discussed or established in this matter to the extent any provisions herein are inconsistent with the NoPR or other procedures previously discussed or established.

The Board may take actions, including without limitation, modifying or amending the rules proposed herein, or making modifications to other rules which it determines are reasonably necessary.

Any concerns with this order must be submitted in accordance with the same procedures as an official filing in this matter.

IT IS SO ORDERED.

Dated this 11th day of January, 2021.

By the Hearing Officer:

/s/ Amy W. Beatie

Amy W. Beatie
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Denver, CO 80203
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Certificate of Service

**IN THE MATTER OF THE RULEMAKING HEARING TO REVISE RULES CONCERNING THE
COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM, 2 CCR 408-2**

I hereby certify that on January 11th, 2021, a true and correct copy of the foregoing **ORDER REGARDING HEARING PROCEDURES, TESTIMONY, AND TIME ALLOCATIONS** was served via email on behalf of the Hearing Officer to the Parties referenced below:

Hearing Officer

Amy Beatie Deputy Attorney General Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, Colorado 80203 720-508-6295 amy.beatie@coag.gov

<u>Copy To:</u> john.watson@coag.gov

Parties

<u>Staff of the Colorado Water Conservation Board</u>	<u>Counsel for Staff of the Colorado Water Conservation Board</u>
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<p><u>The Nature Conservancy</u></p> <p>Aaron Citron 2424 Spruce Street Boulder, CO 80302 520-730-3421 aaron.citron@tnc.org</p>	<p><u>Colorado Water Trust</u></p> <p>Kate Ryan 3264 Larimer Street, Suite D Denver, CO 80205 720-570-2897 kryan@coloradowatertrust.org</p>
<p><u>Trout Unlimited</u></p> <p>Drew Peternell Trout Unlimited P.O. Box 4165 Eagle, Colorado 81631 303-204-3057 drew.peternell@tu.org</p>	<p><u>Western Resource Advocates, Conservation Colorado, and the National Audubon Society</u></p> <p>John Cyran 2260 Baseline Road Boulder, CO 80302 303-746-3802 john.cyran@westernresources.org</p>
<p><u>Colorado River Water Conservation District</u></p> <p>Peter C. Fleming Jason V. Turner Lorra Nichols Colorado River Water Conservation District P.O. Box 1120 Glenwood Springs, Colorado 81602 970-945-8522 pffleming@crwcd.org jturner@crwcd.org lnichols@crwcd.org</p>	<p><u>Colorado Parks and Wildlife</u></p> <p><u>Staff Contacts:</u> Katie Birch Rob Harris 6060 Broadway Denver, CO 80216 303-291-7335 303-291-7550 katie.birch@state.co.us robert.harris@state.co.us</p> <p><u>Counsel:</u> Elizabeth Joyce 1300 Broadway Denver, CO 80203 720-508-6761 elizabeth.joyce@coag.gov</p>

/s/ John Watson
John Watson