

Joint South Platte Basin Roundtable (SPBRT) & Metro Roundtable Meeting
Tuesday, September 14, 2021
4:00-7:00 p.m. (MST)
Virtual Meeting

Joint South Platte & Metro Basin Roundtable Business Meeting Minutes

South Platte Basin Website: <https://southplattebasin.com/>
CWCB SPBRT Website: <https://cwcb.colorado.gov/about-us/basin-roundtables/south-platte-basin-roundtable>

1. Welcome and Introductions (Garrett Varra and Barbara Biggs – 15 min)

The meeting started at 4:05 p.m. Garrett Varra welcomed everyone in attendance, especially Metro Roundtable members. He reminded attendees of virtual meeting etiquette (e.g., mute yourself when not speaking, enter questions or comments into the chat box, be concise and follow agenda).

In attendance: Loretta Daniel*, Randy Ray*, Jim Yahn*, Garrett Varra*, Kirk Vincent*, Ken Huson*, Lisa Leben*, Kelsea Holloway*, Daylan Figgs*, Donnie Dustin*, John Kolanz*, Joe Frank*, Jim Hall*, Larry Rogstad*, Bruce Gerk*, Scott Griebeling*, Lynda James*, Lori Saine*, Sean Chambers*, Joel Schneekloth, Casey Davenhill, Christy Wiseman, Robert Sakata, Kat Weismiller, Alex Davis, Andy Nye, Barbara Biggs, Bob Peters, Brad Paterson, Carmen Farmer, Carolyn Roan, Chip Paulson, Chris Douglass, Dan Betts, Darren Beck, Dawn Jewell, Hope Bartlett, Jane Mannon, Jeff Stahla, Jordana Barrack, Kari Linker, Kayla Ranney, Lance Evans, Lauren Berent Burgess, Mary Gearhart, Matt Cook, Matt Lindburg, Phyllis Thomas, Shaden Musleh, Thomas Hopson, and multiple members of the public. Matt Jones*, Kevin Lusk*, Deb Daniel*, and Sean Cronin were excused from the September meeting. 19 voting SPBRT members were present (* denotes a voting member).

2. Approval of August 2021 Meeting Minutes (Garrett Varra – 5 min action required)

Kirk Vincent made a motion to approve the August 2021 meeting minutes and Larry Rogstad seconded. The motion passed unanimously without discussion or contest.

3. September 2021 Agenda Additions or Changes (Garrett Varra – 5 min action required)

Garrett Varra proposed to add one item to the September 2021 agenda. He added an Anti-Speculation Law Work Group report update by Joe Frank before item 7. Garrett Varra made a motion to accept the September 2021 meeting agenda with the aforementioned change and Kirk Vincent seconded. The motion passed unanimously without discussion or contest.

4. Public Comment (5 min)

Garrett Varra invited members of the public to comment on water-related topics by speaking up or using the chat throughout the meeting.

5. Basin Implementation Plan (BIP) Update (Garrett Varra, Barbara Biggs, Matt Cook – 60 min)

Matt Cook and Matt Lindburg presented the latest BIP update. They provided an overview of draft content in Volumes 1 and 2 (in more detail than at the August SPBRT meeting) and went over substantive comments received through the subcommittee review process thus far.

As part of Matt Lindburg's presentation on Section 4 of Volume 1, there was discussion about the definition of regenerative agriculture and what regenerative agriculture means for the South Platte Basin (Goal 5 "Maintain and enhance irrigated agriculture"). Lynda James asked what comments were received for Goal 7 "Protect and enhance environmental attributes" and Goal 8 "Protect and enhance recreational attributes" because those goals were not highlighted in the presentation. James also suggested that the team add the Colorado Stream Health Assessment Framework (COSHAF) to the technical tools list in Section 5. Casey Davenhill commented about generational responsibility for water stewardship.

Matt Cook covered draft content in Volume 2. Volume 2 received about half as many comments as Volume 1 through the review process thus far. As with Volume 1, comments on Volume 2 ranged from formatting and editorial comments to more substantive comments.

After Cook's presentation, Garrett Varra asked about the schedule for additional review. The consultant team is working to address Roundtable members' comments over the next month before the public review period begins in mid-October. The public review period will last about a month, concluding on November 15. The consultant team and CWCB staff will further revise the BIPs after that with an end goal date of January 2022. After all the updated BIPs are finalized early next year, CWCB staff will focus on the Water Plan update (integrating the updated BIPs). Matt Lindburg said that the next few weeks will be very busy for the consultant team as they work to address comments and get edits to their graphics staff to prepare the documents for public review. Barbara Biggs thanked the consultant team, BIP update subcommittee and Joint Steering Committee members, and general Roundtable members from both the Metro and South Platte for all their work on the BIP update. Lynda James echoed Biggs' acknowledgements. There was more discussion of the project timeline and deliverable specifics; hopefully the updated BIP will be ready for an approval vote at the January Roundtable meetings. Garrett Varra thanked everyone for their time and energy spent on this project.

6. SPBRT Committee Updates

a. South Platte Basin and Statewide Account Balances / Water Supply Reserve Fund (WSRF) (Garrett Varra and Sam Stein – 10 min)

Garrett Varra noted that the basin WSRF account balance has not changed since the last meeting. The deadline for WSRF grant applications is October 1. Varra talked with Trout Unlimited about a potential application just before the meeting. There are four interested organizations that may submit as of now. Varra will work with the SPBRT WSRF Needs Committee after the October 1 deadline to review the applications. Applicants will be asked to present at the November SPBRT meeting.

b. Public Education, Participation, and Outreach (PEPO) (Casey Davenhill – 15 min)

Casey Davenhill presented the PEPO report. The South Platte video project is delayed but should come out soon. The PEPO Committee is looking into promotional opportunities and ways to get strong viewership when the video comes out. Davenhill advertised the 2021 Sustaining Colorado Watersheds Conference "Business as (Un)Usual" slated for October 6-8 in Avon. Conference programming on October 6 will focus on the Water Plan.

c. Demand Management Committee Update (Sean Chambers – 15 min)

[Occurred after CWCB update]

Sean Chambers reported that the Demand Management (DM) Committee held two meetings with good attendance. He thanked those that volunteered. There will be a third meeting on September 23. So far the committee has discussed their plan for how to cover the big picture and the role of Colorado River water, articulating the value of Colorado River water to all uses in the South Platte Basin. The group wants to support CWCB's compliance with the Drought Contingency Plan, advocate for all Coloradoans, and create a foundation of unity across basins to advocate together. The draft statement will acknowledge challenges and lean into them, committing to contribute to solutions. The DM Committee wants to articulate a sense of urgency. Stakeholders need to accept some risk and uncertainty in exchange for moving the DM concept forward and doing pilot projects. The goal is to mitigate risk of a large administrative call on the Colorado River. Chambers expressed appreciation for the SPBRT's support. The committee will have more materials to share in October.

Kirk Vincent noted that he attended both committee meetings and was impressed with the breadth and depth of discussion. He looks forward to sharing their work with the entire SPBRT. Garrett Varra agreed that it has been a good conversation thus far and reminded everyone that the next meeting is on September 23.

7. Anti-Speculation Law Work Group Report

Joe Frank summarized Senate Bill 20-048, which created the Anti-Speculation Law Work Group. The Work Group submitted their 66-page final report to the Interim Water Resources Review Committee on August 13, two days ahead of the deadline as required by the bill. Joe Frank was a member of the Work Group, along with 21 other volunteers who represent a broad range of Colorado water interests and backgrounds. The Work Group met remotely via Zoom and had many discussions about different definitions of speculation and potential policy solutions.

Frank noted that most of the report is legal and historical context. In general, Colorado has strong anti-speculation laws for what the Work Group identified as "traditional water speculation". "Investment water speculation" is more difficult to define. It comes down to the intent to profit from the changing value of water and subsequent transactions. Investment water speculation relates more to property right or point of sale terms, in which increased values are derived from supply and demand activity rather than added value or beneficial use.

Frank gave a summary of each section of the report. Section 3.b covers water markets in Colorado. There's not one sole market for water in Colorado and any changes in law limiting investment water speculation would interfere with existing water markets. Section 5 outlines brainstormed anti-speculation concepts (i.e., potential policy solutions); each anti-speculation concept has its pros and cons. As detailed in Section 6, the Work Group did not come to a consensus on recommendations because each anti-speculation concept was complex and had drawbacks. A lot of controversy stemmed around impacts to property rights. Eight out of 19 concepts made it from Section 5 to Section 6.

The report was presented to the Interim Water Resources Review Committee at Colorado Water Congress' Summer Conference. Frank commented that a much larger stakeholder group needs to be brought in if the legislature plans on taking on one of the anti-speculation concepts. Water speculation is related to supply and demand issues in the South Platte Basin and statewide. Until we tackle those issues, we will have risk of speculation just because of increased values of water. Frank noted that we don't see a lot of investment water speculation driving prices in the South Platte

Basin; water values increase mostly due to growing population and many entities competing for a finite supply of water. Addressing supply and demand issues will help address speculation.

After comments from Roundtable members, Frank clarified that there was no intent to loosen existing anti-speculation protections at the state level; the Work Group looked at potentially bolstering protections (i.e., adding regulations). Garrett Varra agreed that investment water speculation does not seem to be the main driver of increasing water values in the South Platte Basin. Frank noted that recent transactions from private equity funds on the West Slope were the main reason for Senate Bill 20-048. Private entities are purchasing water rights with a perceived intent of realizing increased values if a Demand Management program is enacted.

8. Colorado Water Conservation Board (CWCB) Update (Sam Stein and Robert Sakata – 10 min)

Robert Sakata thanked Joe Frank and everyone else who worked on the anti-speculation report. He reminded the group that a Demand Management program would be temporary, voluntary, and compensated. Sakata reported that there was a CWCB finance meeting earlier in the day. The CWCB Board and staff talked about how to continue to fund the WSRF grant program. The regular CWCB Board meeting is September 15-16. Sakata gave highlights from the Board meeting agenda.

Kat Weismiller then gave a CWCB staff update. She thanked everyone who provided comments on the draft BIP thus far. She mentioned the CWCB Board meeting as well as an upcoming Equity in Water Workshop on September 30.

Garrett Varra went over the upcoming meetings schedule. There will be an event called “Colorado's Water Picture: Mini Film Fest & Speaker Panel” on September 16 at Carbon Valley Regional Library in Firestone. Varra noted that he will send information about whether the October SPBRT meeting will be a hybrid meeting or entirely virtual.

The meeting adjourned at 5:50 p.m.