

**BEFORE THE COLORADO WATER CONSERVATION BOARD  
DEPARTMENT OF NATURAL RESOURCES, STATE OF COLORADO**

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**IN THE MATTER OF THE RULEMAKING HEARING FOR CONSIDERATION OF  
AMENDMENTS TO THE COLORADO WATER CONSERVATION BOARD'S RULES  
CONCERNING THE COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL  
PROGRAM, 2 CCR 408-2**

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**PREHEARING STATEMENT OF THE NATURE CONSERVANCY**

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The Nature Conservancy hereby submits this Prehearing Statement for the public rulemaking hearing before the Colorado Water Conservation Board ("CWCB" or "Board") for consideration of amendments to the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 ("ISF Rules").

**I. Statement of Position**

CWCB staff drafted amendments to the ISF Rules to implement provisions of House Bill 20-1157, update references to the CWCB website, and provide guidance to Colorado Parks and Wildlife. The Nature Conservancy supports the proposed amendments.

**II. Witness List**

A. Aaron Citron, Natural Resources Policy Advisor for The Nature Conservancy

Mr. Citron will testify in support of the CWCB Staff's proposed ISF Rules because they are consistent with the statutory language included in House Bill 20-1157 and specifically the rulemaking provisions now included at C.R.S. §37-83-105(3). The draft amended rules are appropriately limited to the review and acceptance of ISF loans made pursuant to C.R.S. §37-83-105. They provide the clear guidance necessary for the CWCB Board and Colorado Parks and Wildlife staff to implement the ISF loans program referenced above.

**III. Statement of Open Legal Questions**

The Nature Conservancy does not identify any open legal questions at this time. It reserves the opportunity to address open legal questions identified by other parties in its Rebuttal Statement.

**IV. Statement of Relief Requested**

The Nature Conservancy requests that the Board approve the amendments to the ISF Rules *in the same form as published and noticed*.

**V. Time Requested at the Hearing**

The Nature Conservancy requests 5 minutes for the presentation of Aaron Citron.

**VI. Exhibit List**

A. TNC-1 Resume of Aaron Citron

Respectively submitted this 10<sup>th</sup> day of December, 2020.

THE NATURE CONSERVANCY



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Aaron Citron  
Natural Resources Policy Advisor  
The Nature Conservancy

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Boulder, CO 80302  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have duly served the copies of the foregoing **Prehearing Statement of the The Nature Conservancy** upon all parties herein by email, this 10th day of December, 2020, addressed as follows:

**Hearing Officer**

Amy Beatie  
Deputy Attorney General  
Natural Resources & Environment Section  
Office of the Colorado Attorney General  
1300 Broadway, 7th Floor  
Denver, Colorado 80203  
720-508-6296  
Email: [Amy.Beatie@coag.gov](mailto:Amy.Beatie@coag.gov)  
  
[Copy to: John.Watson@coag.gov](mailto:John.Watson@coag.gov)

**Rulemaking Parties**

<p><u>Staff to the Colorado Water Conservation Board</u> Linda Bassi Colorado Water Conservation Board 1313 Sherman Street, Room 718 Denver, CO 80203 303-866-3441, ext. 3204 Email: <a href="mailto:linda.bassi@state.co.us">linda.bassi@state.co.us</a></p>	<p><u>The Nature Conservancy</u> Aaron Citron 2424 Spruce Street Boulder, CO 80302 520-730-3421 Email: <a href="mailto:aaron.citron@tnc.org">aaron.citron@tnc.org</a></p>
<p><u>Colorado Water Trust</u> Kate Ryan 3264 Larimer Street, Suite D Denver, CO 80205 720-570-2897 Email: <a href="mailto:kryan@coloradowatertrust.org">kryan@coloradowatertrust.org</a></p>	<p><u>City of Aurora</u> <i>Counsel:</i> John M. Dingess 3600 S. Yosemite Street, Suite 500 Denver, CO 80237 303-779-0200 Email: <a href="mailto:jdiness@hrodlaw.com">jdiness@hrodlaw.com</a>; <a href="mailto:mail@hrodlaw.com">mail@hrodlaw.com</a></p>

	<p><i>Staff Contact:</i></p> <p>Erich Fowler  15151 E. Alameda Parkway, Suite 3600  Aurora, CO 80012  303-739-7467  Email: <a href="mailto:esfowler@auroragov.org">esfowler@auroragov.org</a></p>
<p><u>Mesa County, Colorado</u></p> <p>Amber Swasey  Mesa County Community Development  P.O. Box 20,000-5022  Grand Junction, CO 81502  970-244-1762  Email: <a href="mailto:amber.swasey@mesacounty.us">amber.swasey@mesacounty.us</a></p>	<p><u>Trout Unlimited</u></p> <p>Drew Peternell  Trout Unlimited  P.O. Box 4165  Eagle, CO 81631  303-20-3057  Email: <a href="mailto:drew.peternell@tu.org">drew.peternell@tu.org</a></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  Email: <a href="mailto:john.cyran@westernresources.org">john.cyran@westernresources.org</a></p>	<p><u>Colorado River Water Conservation District</u></p> <p>Peter C. Fleming  Jason V. Turne  Lorra Nichols  Colorado River Water Conservation District  P.O. Box 1120  Glenwood Springs, CO 81602  970-945-8522  Email: <a href="mailto:pfleming@crwcd.org">pfleming@crwcd.org</a>  <a href="mailto:jturner@crwcd.org">jturner@crwcd.org</a>  <a href="mailto:lnichols@crwcd.org">lnichols@crwcd.org</a></p>
<p><u>Colorado Parks and Wildlife</u></p> <p><i>Counsel:</i></p> <p>Elizabeth Joyce  1300 Broadway, 7th Floor  Denver, CO 80203  720-508-6761  Email: <a href="mailto:elizabeth.joyce@coag.gov">elizabeth.joyce@coag.gov</a></p> <p><i>Staff Contacts:</i></p> <p>Katie Birch  Rob Harris  6060 Broadway  Denver, CO 80216  303-291-7335  303-291-7550  Email: <a href="mailto:katie.birch@state.co.us">katie.birch@state.co.us</a>  <a href="mailto:robert.harris@state.co.us">robert.harris@state.co.us</a></p>	

/s/

A handwritten signature in black ink, consisting of a cursive 'A' followed by a cursive 'H' and a long horizontal stroke extending to the right.

## AARON CITRON

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### PROFESSIONAL EXPERIENCE

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#### **The Nature Conservancy in Colorado**, Boulder, CO

*Natural Resources Policy Advisor*, March 2016 – Present

*Acting Director, External Affairs*, September 2019 – Present

*Interim Director, Sustainable Food and Water Program*, April 2019 – September 2019

- Develop and manage Colorado policy portfolio and engagement through legislative, administrative, and stakeholder projects with a focus on state water policy, forest health, and private lands conservation.
- Support Conservancy conservation staff to address barriers to project implementation by providing legal analysis and policy implementation at the State and Federal levels.
- Additional duties as Acting External Affairs Director:
  - Manage two direct reports and coordinate legislative engagement and strategy development across conservation programs.
  - Lead the Board Policy Committee and serve on the chapter's Conservation Management Team, Leadership Team, and strategic planning core team.
  - Direct chapter engagement in the implementation of Colorado's greenhouse gas emissions reduction standards legislation, including coordination with internal science team and external coalition partners.
  - Coordinate with United States Government Relations Staff to implement North America policy priorities with Colorado's federal delegation.
- Additional duties as Sustainable Food and Water Program Director:
  - Managed remote team of three to ensure completion of environmental water transactions and agricultural water efficiency improvement projects.
  - Acted as liaison between the Colorado Chapter, the Colorado River Program, and the North America Resilient Water Supply Priority Strategy Lead.

#### **Environmental Defense Fund/Environmental Defense Action Fund**, Boulder, CO

*Manager, Ecosystems Water Program*, April 2015 – March 2016

*Project Manager, Colorado River Project*, April 2014 – April 2015

*Policy Analyst, Colorado River Project*, December 2011 – April 2014

- Managed staff and led strategy development in the Colorado River and Water Programs.
- Evaluated and drafted legislation related to water efficiency, water rights, and water management.
- Built constituencies for legal and policy change related to water conservation, efficiency, and management.
- Performed legal analysis and research related to water markets, management strategies, and improved irrigation practices in the Western United States with a focus on Colorado and Arizona.

#### **Arizona Land and Water Trust**, Tucson, AZ

*Project Manager*, October 2008 – December 2011

- Managed the Trust's Desert Rivers Initiative to develop market-based programs to secure water for the environment.
- Conducted landowner and government outreach and served as liaison to local, state, and regional water planning processes.
- Completed real estate transactions for conservation including conservation easements and fee purchases and donations.
- Performed extensive grant writing to support the Trust's Land & Water program and general operation and outreach.
- Reviewed and drafted legal documents for transactional programs and government contracts.

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### **Donau & Bolt, Tucson, AZ**

*Associate Attorney*, January 2008 – October 2008

- Performed legal research and composed motions and memoranda on criminal and civil issues in both State and Federal court.

### **EDUCATION**

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#### **Juris Doctorate (May 2007)**

*University of Arizona, James E. Rogers College of Law, Tucson, AZ*

#### **Bachelor of Arts in History (May 2003)**

*Emory University, Atlanta, GA*

### **PUBLICATIONS**

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Citron, A., *Balancing flexibility with certainty: Agricultural water sharing in a water-short future*, Paper presented at the American Bar Association 33<sup>rd</sup> Annual Water Law Conference, Denver, CO (2015).

Citron, A., *Working Rivers and Working Landscapes: Using Short-Term Water Use Agreements to Conserve Arizona's Riparian and Cultural Heritage*, *Arizona Journal of Environmental Law and Policy*, Vol. 1, No. 1 (2010).

Citron, A. and D. Garrick, *Benefiting Landowners and Desert Rivers: A Water Rights Handbook for Conservation Agreements in Arizona*, *Arizona Land and Water Trust* (2010)

Citron, A., *Incorporating Flexibility Into Conservation Easements*, *Udall Center Publications* (2008).

### **Board Memberships**

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*Interbasin Compact Committee*, Governor Appointee, February 2019 - Present

*Colorado Water Congress*, Board of Directors, August 2019 – Present

*American Water Resources Association, Colorado Chapter*, Member at Large, April 2017 – April 2019