



Task Force Meeting #2 – Meeting Notes

Thursday, August 10, 2023
12:00 pm-3:00 pm
In-Person Meeting

Meeting Attendance

Attended?	Appointed Representative	SB-295 Seat
Sent Designee	Orla Bannan Western Resource Advocates <i>Alternate:</i> Bart Miller	Representative of a statewide environmental nonprofit organization with expertise in water rights and Colorado River interstate governance.
Yes	Jackie Brown Tri-State Generation and Transmission Association	Representative of an industrial water user located on the western slope.
Sent Designee	Mike Camblin Colorado Cattlemen's Association; Rancher <i>Alternate:</i> Erin Karney Colorado Cattlemen's Association	Representative of a statewide agricultural organization that is the owner of water rights.
Yes	Kathy Chandler-Henry Eagle County Government	Non-voting Chair
Yes	Aaron Citron The Nature Conservancy	Representative of a statewide environmental nonprofit organization with expertise in water rights and Colorado River interstate governance.
Yes	Alex Davis Aurora Water	Representative of a front range municipal water provider that diverts water from the Colorado River.
Yes	Kate Greenberg Department of Agriculture	Commissioner of Agriculture
Yes	Daris Jutten Uncompahgre Valley Water Users Association	An agricultural producer that owns water rights within the boundaries of the Colorado River Water Conservation District (CRWCD).
Yes	Randi Kim City of Grand Junction	Representative of a local government located within the boundaries of the Colorado River Water Conservation District that provides water for municipal purposes.
Yes	Gerald Koppenhafer Montezuma Irrigation Company; Farmer	Agricultural producer that owns water rights within the boundaries of the Southwestern Water Conservation District (SCWCD).
Yes	Lee Miller SCWCD	Representative of Southeastern SCWCD.
Yes	Andy Mueller CRWCD	Representative of CRWCD.
Yes	Kevin Rein Department of Natural Resources	State Engineer; non-voting member.
Yes	Kelly Romero-Heaney Department of Natural Resources	Designee of the Executive Director of the Department of Natural Resources.



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Yes	Kyle Whitaker NCWCD	Representative of Northern Colorado Water Conservancy District (NCWCD).
Yes	Steve Wolff SWCD	Representative of Southwestern Water Conservation District (SWCD).
Yes	Letisha Yazzie Ute Mountain Ute Tribe	Representative of Ute Mountain Ute Tribe.
Yes	Lisa Yellow Eagle Southern Ute Indian Tribe	Representative of Southern Ute Tribe
Sent Designee	Melissa Youssef City of Durango <i>Alternate: Jose Madrigal</i>	Representative of a local government within the boundaries of the SWCD that provides water for municipal purposes.

Welcome

Chair Kathy Chandler-Henry

- Welcomed attendees to the first in-person meeting of the Task Force.
- Introduced the facilitation team from The Langdon Group.
- Reviewed meeting agenda.
- Mentioned a letter from an environmental group that was provided to the Task Force.
- Discussed the notes correction brought forth and open meetings clarification in the notes for approval.

Task Force Introductions

Chair Kathy Chandler-Henry

- Thanked everyone again and provided information on how the public could provide comments to the Task Force.

Siobhan Locke, The Langdon Group

- Provided logistical information on the Wi-Fi password and bathrooms.

Chair Kathy Chandler-Henry

Led the group in a round of introductions. Task Force members were asked to give their names, identify the organization they are with, and designate their role on Task Force. Members were also asked to share *"How has drought affected you and your constituents in the recent past?"*

Summary of how Task Force Members feel they and their Constituents have been affected by drought

- Priority wise, water has not been lasting long enough in the summers.
- Seen all aspects of effects because of hydrology. Ag, municipal, and environmental.
- 2002 was tough in the water world and curtailing ditches was difficult for Ag; not seen it like then, but know we need to plan and learn to adapt going forward.
- Effect on mental health on producing communities.
- Ranch suffered substantial economic impact to farm and ranch enterprise-tribe, due to less senior water rights.
- Affected all aspects of ag; shorter growing season, longer fire season on S. Ute lands; less water for plants and wildlife.



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- Hydrology in Uncompahgre Valley is complex and challenging.
- 1/10 for each acre in some years.
- Struggling fish and wildlife populations, economies that rely on recreation.
- Hydropower has declined, impacting businesses and customers; has also led to a decrease in endangered fish recovery funds.
- Spending more time and resources on infrastructure improvements.
- Those that make their living off of water-dependent industries have been affected.
- Local food availability and wildlife habitats have been disrupted.
- Drought restrictions; junior water right holders relying on storage; water is both local and regional and both have been affected.
- Has made constituents' concerns about future water availability increase.

Task Force SB-295 Questions

Kelsea MacIlroy of The Langdon Group led a conversation about questions the Task Force has about the bill.

- Subtask Force? When will we meet?
- What is the mission? Are we talking about tools or develop programs, collaborate with stakeholders? Get clarification.
- What we could do to be on same page and what we are planning to do? How do updates back to committee fit in? Where we are hoping to head? A: We have put together framework; substantive work can be done while we get clarifications.
- Clarification? With bill sponsors or legislative office?
- How do you acquire and only allow it to be used temporarily? Is the acquisition for temp use? Sec 2(4)(b)(III).
- Task force can make recommendations on who we want to define some of those inconsistencies.
- Principle 4 is important and needs understanding of its impact.
- Recommend that the recommendations minimize environmental impacts; keep top of mind.
- Meaning of "Interstate Commitments" and how this interacts with "drought". Are we addressing drought or interstate commitments?

Group Discussion on Upcoming Meetings, Public Comment, and Path Forward

Kelsea then presented to the Task Force the initial draft road map that included possible meeting dates, public comment dates, phases of work, and development of recommendations. She explained that this is a living document that can adapt to the Task Force. Erin Karney asked if it was necessary to have a separate day for public comment. There was general agreement around the table that it would be helpful to have public comment at the existing meetings. Randi Kim asked about other avenues for the public to provide comments. Kelsea shared that there would soon be a public comment box available on the website. Randi Kim and Andy Mueller as well as other suggested that soliciting comments on topics relevant to the Task Force's discussions that day would be useful. Daris Jutten said that he would like more clarity on purpose of the Task Force before soliciting comments in light of the "bigger wreck south of us in the Lower Basin." Gerald Koppenhafer suggested limiting comments to three minutes at the end of the meeting. Lee Miller supported Jackie Brown's point that having a public comment meeting on the 13th of September was too soon and the need to get the calendar established as soon as possible for travel.

Kelsea said they are working to schedule the September 14th meeting in the Grand Junction/Montrose region and October 12th meeting the Durango area.



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Alex Davis suggested having more in-person meetings because "I think we have better conversations, it's more robust, we get to know each other". Andy Mueller asked about additional funding from the Legislature and other sources. Jackie Brown asked that a virtual option still be provided for Task Force members that cannot travel twice a month.

Kate Greenberg drew attention to the deadline and desire to start building the final report much sooner than December 7th.

Andy Mueller brought up self-governance and that it would be ideal to have a consensus in spite of the statute allowing for majority decisions. He asked how do we move forward with a schedule and generating a report, seconding Kate Greenberg's comment, as well as asking about process in terms of how the Task Force functions as a group. He also pointed out that the facilitators are not the decision makers to help the Task Force make their decisions.

Chair Kathy Chandler-Henry suggested moving forward to a vote on continuing with alternating in-person/virtual meetings or move to all in-person with a virtual option. Kelsea added the caveat that the Task Force needs more funding. There was a question about how much additional funding was needed. Kelsea responded that it was unclear because it was based on estimates from the Legislative Legal Office, but more than \$10,000. Kelly Romero-Heaney cautioned that moving money is not straightforward and it could be tricky. The Chair suggested getting a sense of what the group wants, and then following up on the funding. Siobhan Locke expressed concern that as neutral facilitators, it is important to pay attention to how they are paid. She suggested that additional funding should not be assumed.

Alex Davis motioned. Andy Mueller seconded. The Chair repeated the motion. Motion PASSED. "What is on the table for a vote is whether if funding is available and logistically possible through the state rules would we like to meet in person for the following meetings after this one with a hybrid option in case someone could not attend. A no vote would be we continued with the alternating virtual and in-person meetings."

Official vote: 17 total members available to vote (Chair Chandler-Henry and State Engineer Kevin Rein are non-voting members)

In favor: 15 (Bart Miller, Jackie Brown, Erin Karney, Andy Mueller, Alex Davis, Gerald Koppenhafer, Kyle Whitaker, Jose Madrigal, Kate Greenberg, Aaron Citron, Daris Jutton, Kelly Romero-Heaney, Steve Wolf, Letisha Yazzie, Lisa Yellow Eagle)

Opposed: 0

Abstained: 2 (Randi Kim, Lee Miller)

Chair Chandler-Henry then stated that the next item regarded bringing public comment to the end of every Task Force meeting. Gerald Koppenhafer moved that the Task Force take public comment at the end of every task force meeting and limit it to three minutes. [Unclear 1:19:55] seconded the motion. Randi Kim asked for clarification to include a time limit on public comment period and a one hour limit was suggested. Jackie Brown suggested that the public comment period be moved to the beginning of the meeting. The Chair asked if Gerald and the Seconder accepted the amendment. Randi Kim asked that the group keep the end goal in mind and for an outline of the report and that meeting topics be aligned with that. The Chair brought the revised motion back to the table.

Gerald Koppenhafer motioned. Seconded by (UNCLEAR). Motion Passed. A public comment period would be available for the first hour of the meeting at each Task Force meeting going forward. Public comments were limited to 3 minutes each and if possible, on the topic the Task Force was discussing that day.



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In favor: 17 (Bart Miller, Jackie Brown, Erin Karney, Andy Mueller, Alex Davis, Gerald Koppenhafer, Kyle Whitaker, Jose Madrigal, Kate Greenberg, Aaron Citron, Daris Jutton, Kelly Romero-Heaney, Steve Wolf, Letisha Yazzie, Lisa Yellow Eagle, Randi Kim, Lee Miller)

Opposed: 0

Abstained: 0

Andy Mueller asked about meeting spaces and who people should contact. Chair Chandler-Henry replied to contact both herself and the facilitators. Kelsea thanked those who had already shared ideas for spaces. Lisa Yellow Eagle asked if there was a location yet for the October 12th meeting, Kelsea replied there was not, but it would be in the Durango area.

Jackie Brown returned to Commissioner Greenberg's earlier point about building a map with the end product in mind. Siobhan observed that there were a number of people who were interested in laying out a map of the process. Kelsea explained that the next item on the agenda is a talk from Megan McCall with the Office of Legislative Legal Services to talk about Open Meeting Laws. Kelsea asked if the group felt that would be helpful in thinking about laying out a plan. Many task force members stated yes or nodded heads. Chair Chandler-Henry introduced Megan McCall.

Presentation – Transparency of the Colorado River Drought Task Force

Megan McCall; Office of Legislative Services

- Provided an informative presentation on the overall open meeting rules and responsibilities and how they affect the Task Forces operations and Task Force members' communications.
- Shared information concerning public information notices, records requests, and the consequences of breaking Colorado's transparency laws.

Summary of Questions and Responses

Chair – Does it relate to the Subtask Force?

Megan – Yes, it does.

1:58:55 – Who is our Task Force administrator?

Megan – I believe that's Kelsea; whomever you contracted with.

Lee – Do we have a place to post our notices?

Kelsea – It is now our website.

Bart – Asked for advice on personal note-taking.

Megan – Her advice is don't put anything in writing that you wouldn't want ultimately on this list. She suggested that it's possible that it would fall under work product, but it's so case-specific that they hesitate. Her advice was don't put anything in writing that you wouldn't want somebody to ultimately read in the newspaper.

Bart asked about bumping into someone at a non-task force related conference, but talking with that person about the task force and if the "two or more" is part of the statute or definition.



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Megan replied that it is in statute, two or more members of a body if you are needing to discuss public business related to the Task Force you have now created a meeting underneath the open meetings law. Those conversations are not considered private and you cannot block anyone from joining in the conversation.

Bart asked about phone calls as those would be hard to know where happening and hard to invite someone into.

Megan replied that evolving technology, you can allow people join your calls. She clarified that if there was a quorum or a majority would bump the meeting into the next category, which requires notice and minutes. But if there is less than a quorum, you do not have to provide notice, you just can't block someone from joining the meeting. She also stated that you can allow people into emails through BCC and that all of this applies to alternates as well.

Chair Chandler-Henry stated that task force members could follow up with her or Kelsea and they would get in touch with Megan. She thanked Megan.

Group Understanding and How to Come Together

Siobhan Locke, The Langdon Group

- Provided a thought to the group on ways the group can work together to tackle big problems like drought and the Colorado River.
- Emphasized an approach at the table of "step up and step back"; i.e., if we are hearing a lot from you, she may ask you to step back so that someone else can step up, so all voices are centered.
- Discussed listening with the goal of understanding, not that you are listening with a goal to respond.
- Initiated the discussion of meeting dates and topics that the group brought up.
- Siobhan and the Task Force then began a discussion around dates, topics, and other logistics.

Group Discussion with Siobhan

Randi Kim asked where is there a data gap and what tools are actually needed or lacking. Siobhan asked how she'd like to receive that information. Kelly Romero-Heaney stated that CWCB staff could do that. Kevin Rein said that a more holistic look might help and distill a common understanding of the task force, referencing Daris Jutton's earlier comments. Kevin asked how the task force could turn Section 4A of the bill into common objectives. He then stated he thinks the information gathering needs to be homework. Aaron Citron asked if Amy Ost diek and Lauren Ris were going to share that information. Kelsea clarified that Amy Ost diek from CWCB and Andy Mueller were asked to represent the two bodies of literature that have been received by the Task Force so far. They were each asked to tell the task force water is in the documents. Andy Mueller stated that it's a question of balance between education and movement because a lot of people at the table already know what has been done. Bart Miller said that additional speakers with first hand experience in leasing water would be helpful, but generally he agreed with Andy. Siobhan encouraged educating outside the meetings. Jackie Brown recommended the Colorado Water Education Foundation's publications and that the near future meetings be used to explore those ideas. Alex Davis stated that she still feels unclear about what the group should focus on, leases, demand reduction plans and programs, or tools for the CWCB to collaborate with stakeholders to develop programs, and interstate commitments, which she felt were very different conversations. She suggested that she would love to present on the programs Aurora Water has implemented. Kelly Romero-Heaney stated that she wanted to hear from a broad spectrum of agricultural producers because they are a key stakeholder group and very diverse.

Kelsea suggested that it would be helpful for all Task Force members, as representatives, to reach out to the people they know for their perspectives. Siobhan asked group members to think about what is the next logical step in making a plan.



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Andy Mueller stated that timing of implementation or any programmatic water conservation was key because of interstate commitments and that discussion of timing should come before tools and programs. Kelly Romero-Heaney added that what would drive that timing would be key if understanding the state of interstate negotiations and therefore it might be helpful to bring in Commissioner Becky Mitchell. Kevin Rein expressed appreciation for Andy's comment and stated that he sees a sequence that before we can identify gaps, we need to know gaps to do what? So working in reverse order of Section 4a, "if we want demand reduction in conservation and how are we going to do that? Certainly the timing with which that's appropriate, but once we've identified those then do we have the tools already or are there gaps?" There was discussion on clarifying Kevin's comments in working backwards towards specific tools.

Siobhan asked if the group wanted to establish a focus of the group to say "we want to spend our time doing in-state needs or Interstate obligations and to what level we want to address each one of these in sequence?"

Kate Greenberg stated that a flow chart could help with decision making at the August 31st meeting. Her second point was: do we need to decide what's not on the table at a certain point in order to focus ourselves? Her third point was to consider simplicity in how the task force accomplishes its work since they are not there to overhaul the Law of the River. What are the low-hanging fruit we can take off the table to give the group a clear focus?

Siobhan summarized: the meeting on the 31st will center on creating focus and sideboards for the task force, perhaps even a simplified list that the group can aim to accomplish.

Jackie Brown stated that she felt there was a different point from Kevin that the group needed to decide about in-state needs versus the interstate obligations up front. Then using Kate Greenberg's point to establish what's not on the table. Then establish what tools are not currently available and know what is covered and what isn't. Siobhan clarified that the progression is looking to focus the group on in-state versus interstate, what is and is not on the table, and then gap identification.

Aaron Citron discussed the structure and thinking of in-state needs and Interstate needs, describing it as a Venn diagram and question of terminology. He did not want to unintentionally characterize Interstate commitments as not also meeting in-state needs. His final thought was that meeting those commitments benefits Colorado for various reasons if we can meet them in ways that benefit water users and it's important to break them out, but not be completely separated. Siobhan added, but not to the exclusion of that common ground in the center of the Venn diagram.

Bart Miller then mentioned the importance of topics in upcoming meetings and ensuring time in October looking ahead to what the group takes on and gaining ideas or material from working groups from the past. Siobhan agreed and restated that more logistics around the Subtask force, funding, and requirements are in the purview of the task force to guide. Bart agreed and followed with the question having subgroups to draft. Siobhan tentatively confirmed we have the ability to do that as long as those things do not take place in the overlapping time frame and are open to the public right, and if we can. Kelsea replied that Megan McCall (OLLS) advised not to have breakout sessions at the same time because that would inhibit access, instead recommending stacking small group so they don't overlap. Chair Chandler-Henry mentioned that task force members could meet with organizations who are not members to develop proposals, they could then send those to the facilitator, who would send them to the Task Force. Siobhan noted that they were not precluded from doing that, but to be thoughtful about development and working outside of the task force meetings. Jackie Brown stated she was uncomfortable with going into subgroups and wanted to further discuss and define how many and how robust or simple their proposed recommendations may be. Andy Mueller responded that four or five people between task force meetings could drafting language to present to the broader group. A drafting session with all members would take time and would be difficult in his view. Jackie Brown again raised concerns about members getting together emphasizing that what the group recommends needs to be worked out at this table.



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Siobhan updated the group that they were running close to time for the presentations. She noted the conversations on framework and identifying gaps moving forward. Kelsea added that both Amy and Andy presentations may contain topics the task force may want to cover. They then proceeded to the presentations.

Presentation – What is Demand Management?

Amy Ostdiek, Department of Natural Resources, Colorado Water Conservation Board (CWCB)

- Provided information to the Task Force on Demand Management, reductions in consumptive use, and compliance.
- Explained current uses and the connection to the Colorado River Compact and storage agreements.
- Also touched on the Colorado Feasibility Investigation report that had been provided to the Task Force that has information and analysis developed by the CWCB.
- Slides available at <https://www.crdroughttaskforce.com/resources>

Alex Davis asked how Amy described “interstate commitments”. Amy replied that it’s 2 key provisions from 1922 compact. Non-depletion obligation of 75 million acre feet over 10 years. This means that if we get close to not meeting the obligation, it would trigger an investigation. The second part is that the Upper Basin is apportioned 7.5 million acre feet. So if the state continues to use 3-4 million less than our apportionment, less than half of the river, and the Lower Basin states are using 10 million acre feet, Colorado has a good argument that we are not shirking our obligations. Andy Mueller asked for clarification that the 10 million from the Lower Basin includes Mexico. Amy replied that the 10 million includes Mexico, but not tributary use. Andy Mueller stated that from their perspective that is another million acre feet. He then stated that the 10 million included 1.5 million acre feet for Mexico. Amy stated that she had arguments to make about that. Kelsea stated that it was time to cut off the discussion in order to keep moving forward, restated that this presentation was for understanding what was in the packet of information and it was time to move on.

Presentation – Drought Security and Demand Management: Colorado River District Investigation Timeline

Andy Muller; Colorado River District (Task Force Member)

- Presented work that the River District had undertaken in investigating and researching impacts to the Colorado River. These programs and studies were provided to the Task Force. They include, Water Bank Work Group 2009-2020, Secondary Economic Risk Study 2020, Colorado River Risk Study 2016-2023, Demand Management Stakeholder Report 2021, and Conceptual Market Framework “Punching Bag” 2022.
- Briefly discussed the information gained from each of these work groups and studies and how they could be useful to the Task Force’s work moving forward.
- Slides available at <https://www.crdroughttaskforce.com/resources>

Group Information/Questions

Kelsea explained that these presentations will be on SharePoint and posted on our website. She also asked other members if they had information that would be beneficial to the group, they could send it to the facilitators, and they would get it on the Task Force SharePoint. Information and troubleshooting information was also provided if Members were having difficulty accessing SharePoint.

Kyle Whitaker mentioned the numerous tools that have been developed and some even implemented by people on the task force. Do we want this kind of presentation at every meeting on things they are doing in their systems and are already allowed under state statutes? Siobahn relayed that from what she had heard from the group they are not interested in presentations per se, but members who are subject matter experts could provide further information and



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context to the task force when needed. Jackie Brown noted that it would be interesting to hear what those savings look like over time, but focus on general facts. Kyle Whitaker stated that one of the charges of the Task Force is to help the state deal with drought, but may not be out there, so it might be useful to share what's working on the local level. Siobhan agreed and wanted to be clear she was not saying it's not helpful, trying to find different ways to share to the group in the most effective and efficient way. Aaron Citron discussed how with the presentations to the Water Resource and AG committee, it would be good to have the context of what tools are working if we are going to be talking about additional tools.

Alex Davis had a data request for numbers from the state on how much Colorado River water is consumed by municipalities on the West Slope, as they have Trans-Mountain Diversion numbers for Front Range municipalities, what is consumed by agriculture by Basin, and how much water leaves the state average dry year. Gaining clarification and context in terms of demand reduction, numbers i.e.. Volumetric numbers or percentages. Kevin Rein said he and his team will look into it.

Chair Chandler-Henry mentioned still having Kevin's presentation and making sure all members were okay on time

Kevin said he would be brief, he noticed in the last meeting questions that made him think about everyone's understanding of compact compliance. He mentioned Alex Davis asking about Interstate commitments and Amy's answer was 75-10 he wanted to ask the question is that what the sponsor meant when they said Interstate commitments or is Interstate commitments to sit or just what he calls compact bias obligation.

Presentation – Colorado River Compact Compliance Facts

Kevin Rein, PE; State Engineer; Division of Water Resources (Non-voting Task Force Member)

- Provided information on Colorado River Compact Compliance.
- Explained relative information and facts about the Colorado River Compact, the Upper Basins' agreements on flow to Lee Ferry, curtailment, and future flow outlooks.
- Slides available at <https://www.crdroughttaskforce.com/resources>

Meeting Wrap-Up

Siobhan asked the group for next time to think about specific things they would like to hear from the public. Also, think of any suggestions for the framework moving forward. Kelsea let the group know that she will send out a logistical information email.

The **Chair** thanked everyone for being there. She encouraged members to add information.

Erin Karney asked if there could be an added virtual meeting with just education to fill in the gaps, it could be optional for people to join.

Chair Chandler-Henry agreed and asked for specific thoughts.

Adjourn Meeting 3:20pm
