



Task Force Meeting #8 – Meeting Notes

Thursday, November 9, 2023

9:30 am-4:00 pm

In-Person Meeting

Colorado River Water Conservation District

201 Centennial St, Glenwood Springs, CO

Meeting Attendance

Attended?	Appointed Representative	SB-295 Seat
Yes	Orla Bannan Western Resource Advocates	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>*Designee Erin Karney attended in person</i>	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 <i>* attended virtually for first hour, then in-person</i>	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.
Sent Designee	Kate Greenberg* Department of Agriculture <i>*Designee Jordan Beezley attended virtually</i>	Commissioner of Agriculture.
Sent Designee	Daris Jutten* Uncompahgre Valley Water Users Association <i>*Designee Nancy Fishing attended in-person</i>	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 Valley 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.

Attended?	Appointed Representative	SB-295 Seat
Yes	Kevin Rein Division of Water 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.
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.
Sent Designee	Lisa Yellow Eagle* Southern Ute Indian Tribe <i>*Designee Peter Nylander attended in-person</i>	Representative of Southern Ute Tribe.
Yes	Allison Baker City of Durango <i>*Attended virtually</i>	Representative of a local government within the boundaries of the SWCD that provides water for municipal purposes.

Alternates in audience:

- Jason Ullmann
- Carlyle Currier
- Dave Payne
- Peter Fleming

1. Welcome (0:25 in Recording)

- a. Chair welcomed the task force and thanked Colorado River District for hosting the group for the day.

2. Approval of Agenda (3:35 in Recording)

- a. **MOTION:** Lee Miller asked that the C9 Summit be added to the agenda for discussion. Chair added this under the Updates and Reminders section. Lee Miller moved to approve the agenda with a second from Andy Mueller. Agenda for 11/9/2023 meeting approved.

3. Approval of Meeting Minutes from 10/26 meeting (7:00 in Recording)

- a. **MOTION:** Moved by Alex Davis with a second from Nancy Fishinging – 10/26 meeting minutes approved.

4. Introductory Remarks – Speaker Julie McCluskie & Senator Dylan Roberts (7:30 in Recording)

- a. Speaker Julie McCluskie
- b. Senator Dylan Roberts – called to let the Chair know he couldn't make it yesterday (after agenda was already posted so it wasn't able to be adjusted to reflect the change)

5. Roll Call (2:12 in Recording)

6. Public Comment (14:50 in Recording)

- a. The public provided comments to the Task Force both in person and virtually. In the meeting recording, the comment period begins at 16:06 and ends at 52:02 in the Zoom Recording. Public Comment closed out at 10:23 am by Chair Chandler-Henry.

Attendees who provided comments in person	Attendees who provided comments virtually
Wendall Koontz	Rachel Zacher
Anna Nakae	Sue Nall
Siri Olsen	Charlie Noone
April Long	Crest View Elementary (Mayla/Hazel/Julianna)
Jeff Deems	Debbie Bruell
	Aidan Chase
	Caitlin Carey
	McKenna Farley
	Joan Green Turner

BREAK

7. Updates & Reminders (1:03:38 in Recording)

- a. Travel Reimbursement
 - i. If you are requesting reimbursement for September meetings, please do so by the 20th of each month.
- b. Task Force Panel at C9 Summit
 - i. Kelsea will be facilitating – Kate Greenberg, Jackie Brown, Aaron Citron, and Andy Mueller will be serving as panelists.
 - ii. Kelsea provided an overview of the format and potential questions that the panel will be addressing.
 - iii. Will occur on 11/14/2023 from 2:20 - 3:15 pm at the Westin Hotel in Westminster, CO
 - iv. This meeting will be open to the public and will be noticed as a public meeting – Kelsea is working with their staff to explore options for virtual participation. If technology is not available, the meeting will be recorded on audio and the link will be provided after the Summit concludes.

8. Sub-Task Force Report (1:09:09 in Recording)

- a. Pete Nylander, Letisha Yazzie, and Steve Wolff provided a report on the October 30, 2023 meeting of the Sub-Task Force.
- b. Next Sub-Task force meeting information is on the website [here](#).

9. Discussion on letters received from Attorney General Phil Weiser, Agriculture Coalition, Aurora Water and Trout Unlimited (available on website under "Resources > Additional Resources" and 1:10:51 in Recording)

- a. This will be available on the Task Force website.
- b. Task Force members are welcome to take recommendations from these letters and add to the Short List for discussion if they would like.

10. Start Discussion on "Short List" Ideas – Chair (1:21:39 in Recording)

- a. Chair asked if the group would like to move through the list in order, move things off the list first or take some items and bring them to the top as Task Force members see fit.
 - i. Group Discussion on how the Task Force wants to proceed for the day.
- b. Group began discussing each item in the order that they appear on the

BREAK for lunch (30 minutes, around 12:00pm)

11. Continue Discussion on “Short List” Ideas – Chair (3:07:37 in Recording)

12. Discussion on Demand Management/demand management (May be included in “Short List” Discussion) (4:47:50 in Recording)

BREAK (10 minutes, when needed)

13. Discussion on Construction of Final Report – Chair and The Langdon Group (20 minutes) (5:46:49 in Recording)

- a. Final report layout, narrative, and division of responsibilities

14. Public Comment 2 – (up to 30 minutes) (5:53:37 in Recording) Chair closed public comment at 3:33 pm

Attendees who provided comments in person	Attendees who provided comments virtually
April Long	Ed Millard

Comment entered into the Q&A: Why not cloud seed the Mile 15 Reach which is the source of the Colorado River? - John Coffee

15. Agenda Setting for Upcoming Meeting 11/16 – Chair & Langdon Group (6:02:05 in Recording)

- a. Round Robin: What should be on the next agenda? What worked or needs to change for the next meeting?

16. Wrap-up – Chair (10 minutes) (6:09:22 in Recording)

- a. Review meeting outcomes & homework

17. Adjourn (6:16:01 in Recording)

Next meeting: Thursday, November 16th, 11:00am to 4:00pm, virtual on Zoom

UPCOMING DATES

Thursday, November 30th @ 11:59pm – Deadline for amendments to proposals for voting so Task Force and members of the public have time to review and weigh in on proposals for recommendations.

Thursday, December 7th, 11:00am – 4:00pm – Final in-person meeting of Task Force. Voting on proposals for inclusion as recommendations in final report.

Appendix A: Whiteboard Notes from Meeting

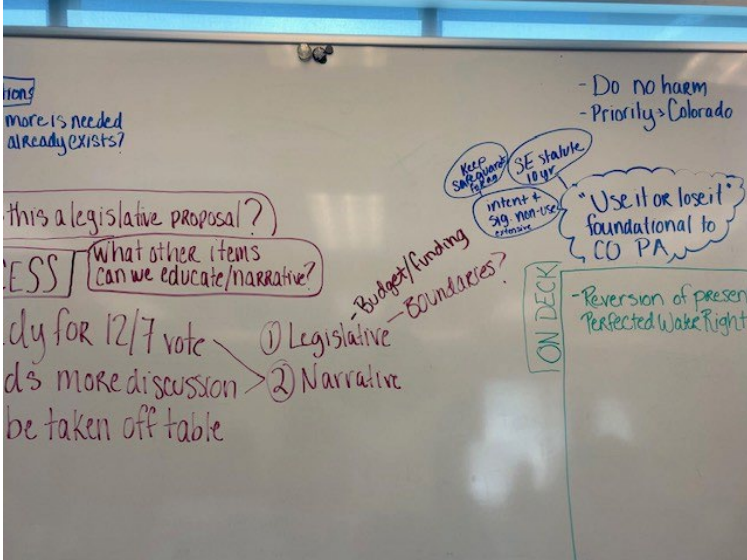


Figure 1. Whiteboard 1

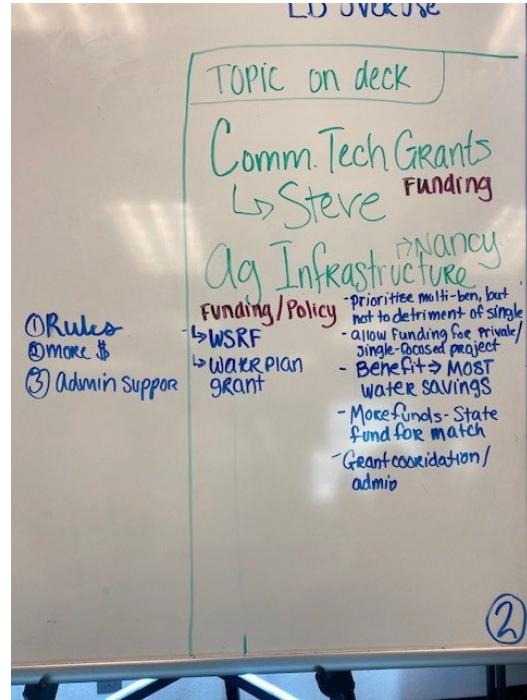


Figure 2. Whiteboard 2

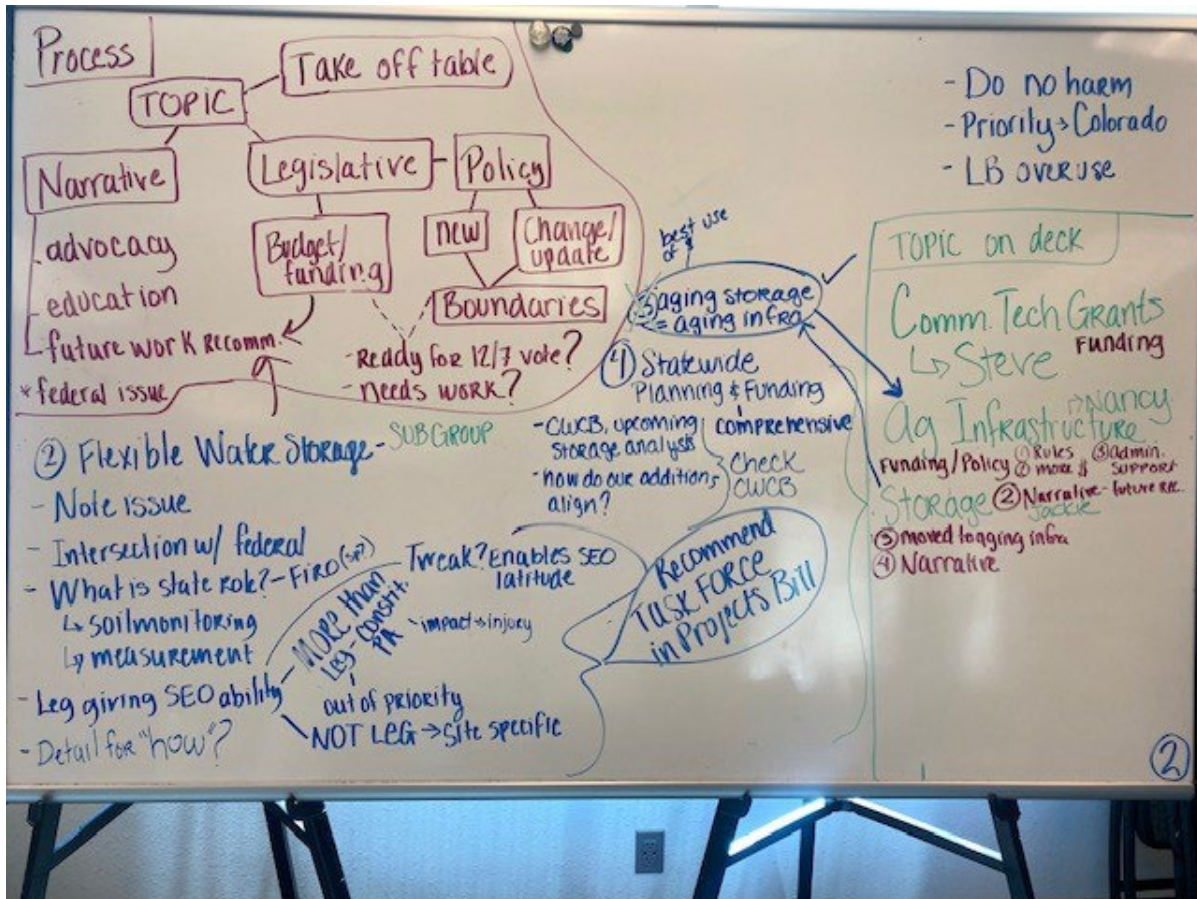


Figure 3. Whiteboard 3

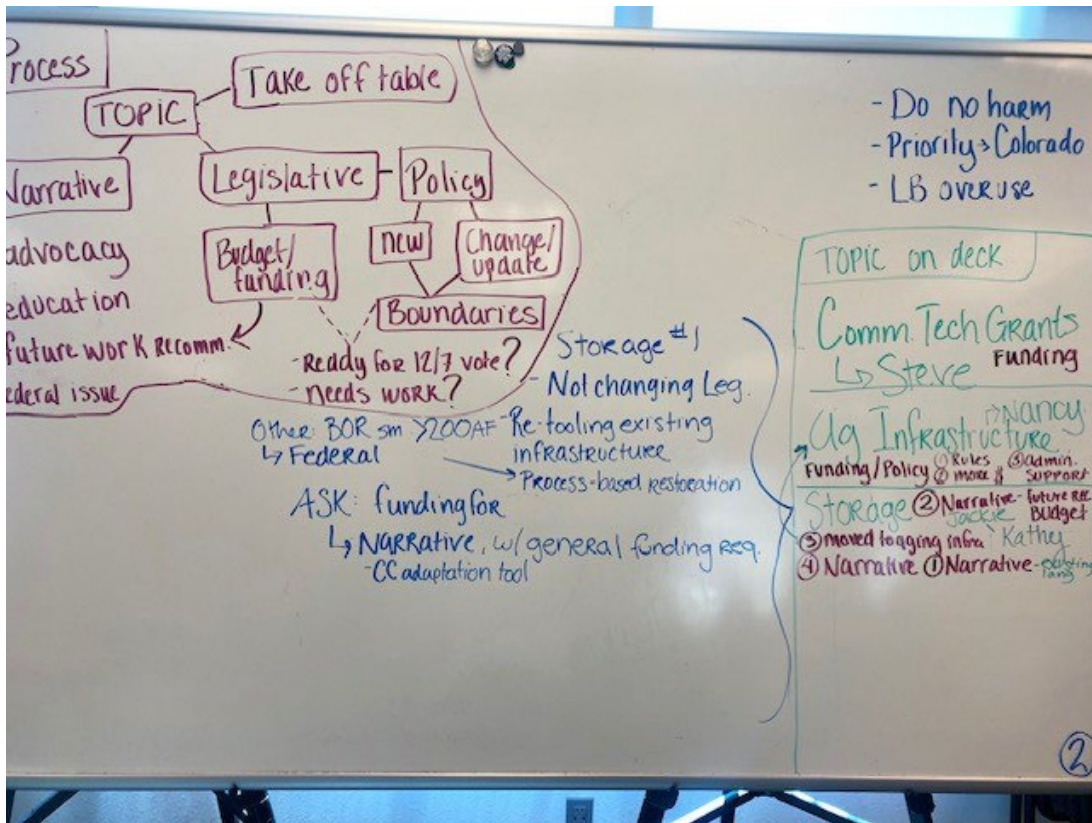


Figure 4. Whiteboard 4

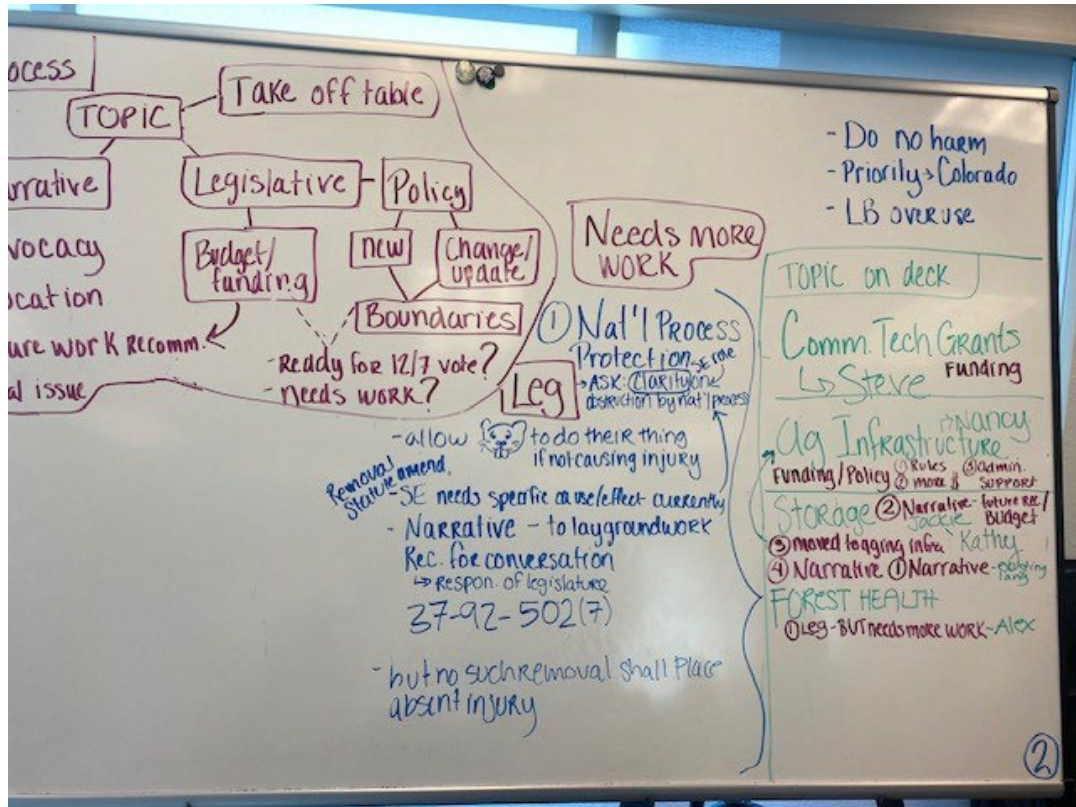


Figure 5. Whiteboard 5

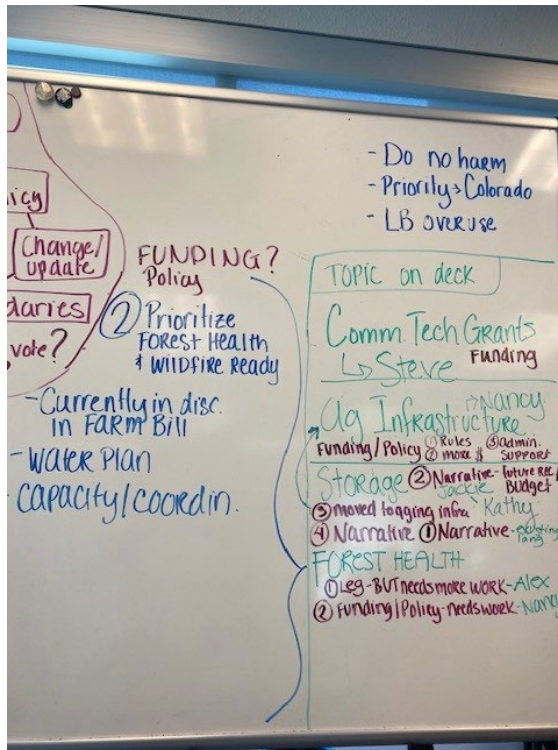


Figure 6. Whiteboard 6

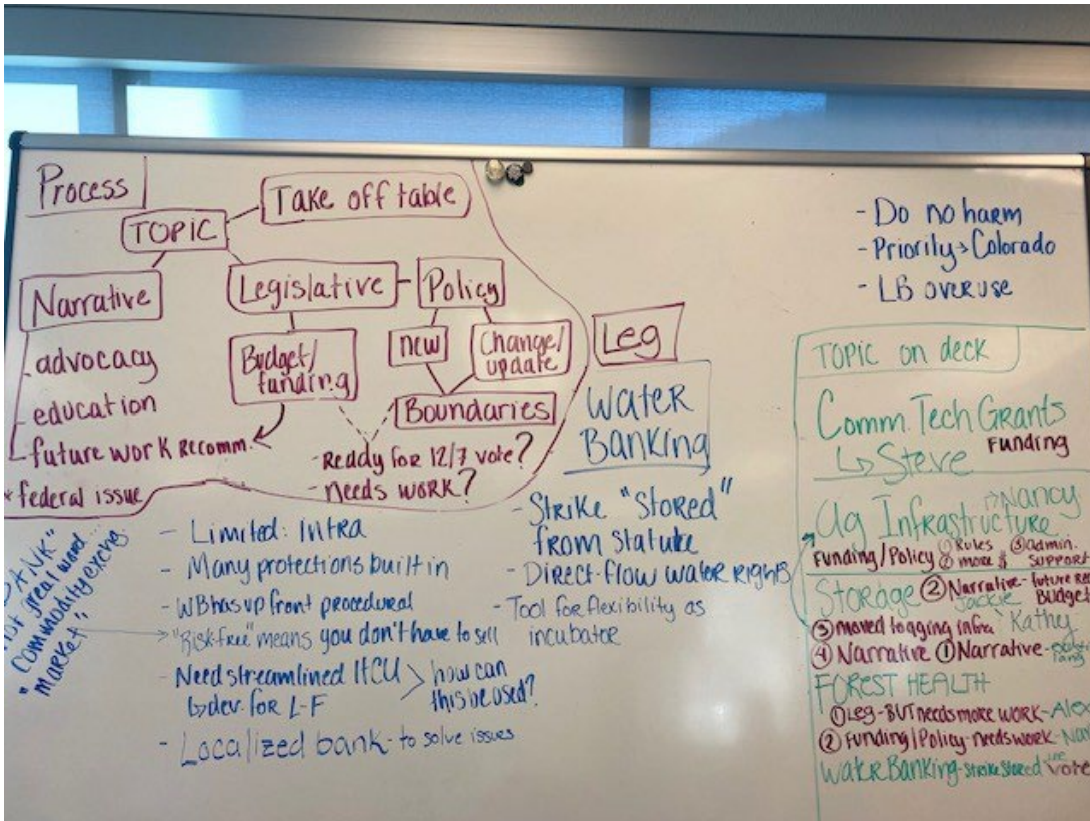


Figure 7. Whiteboard 7

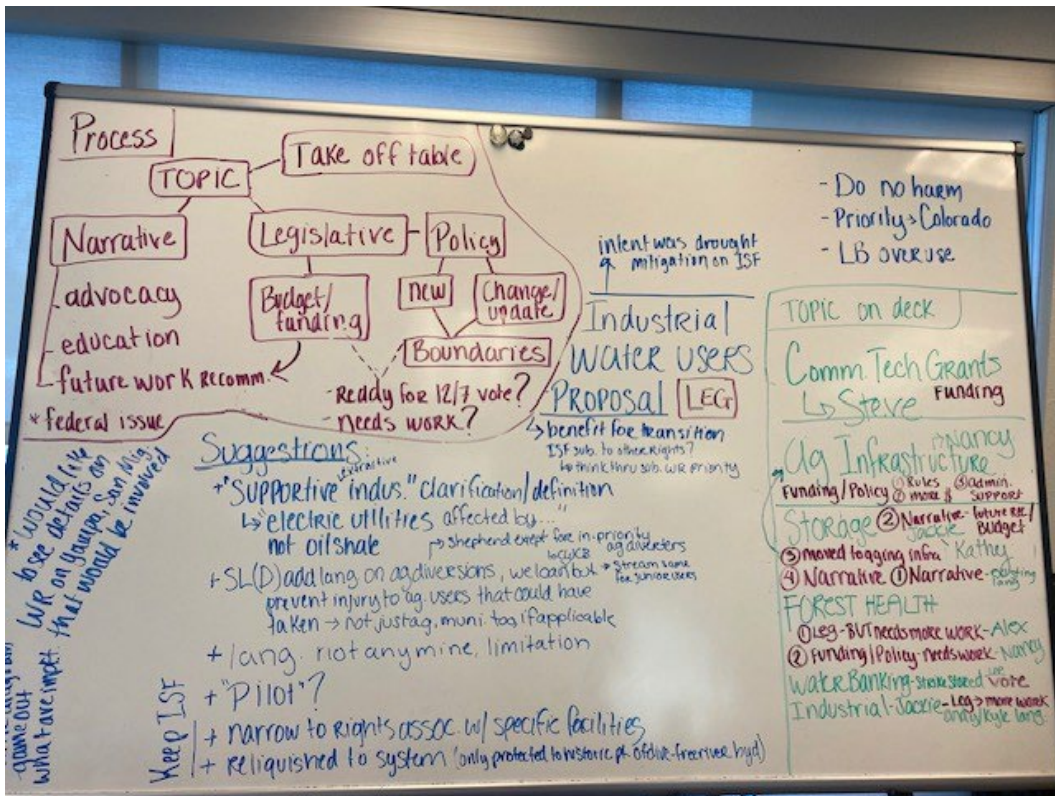


Figure 8. Whiteboard 8

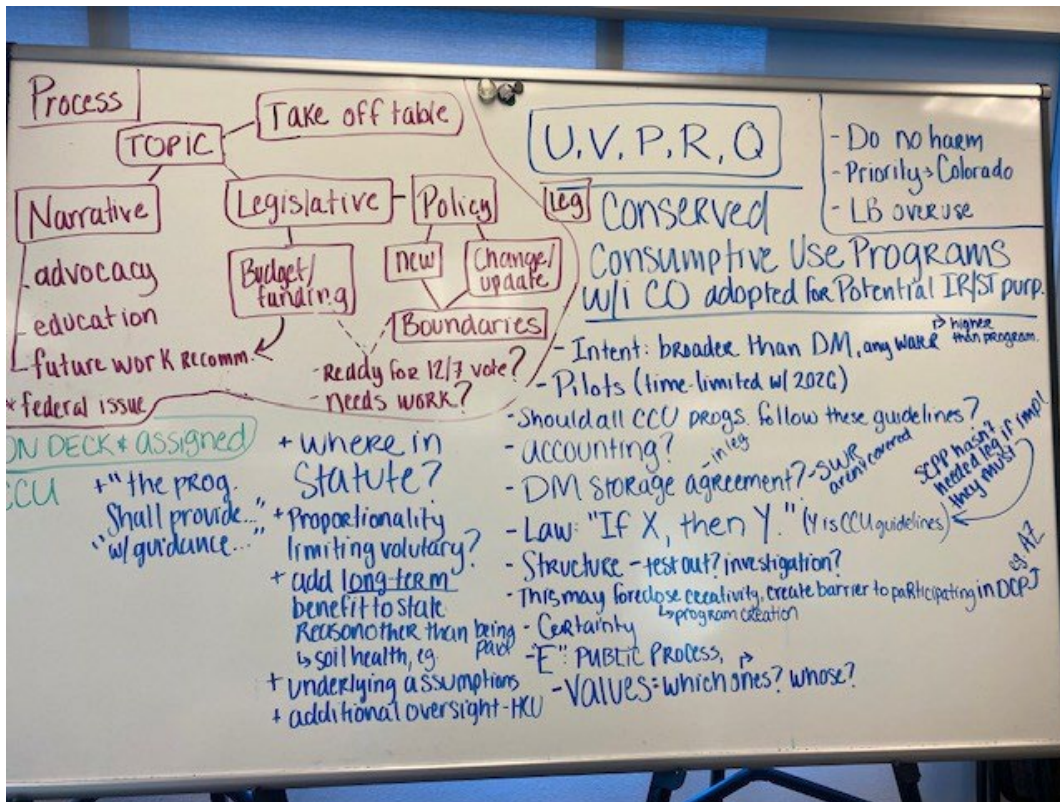


Figure 9. Whiteboard 9

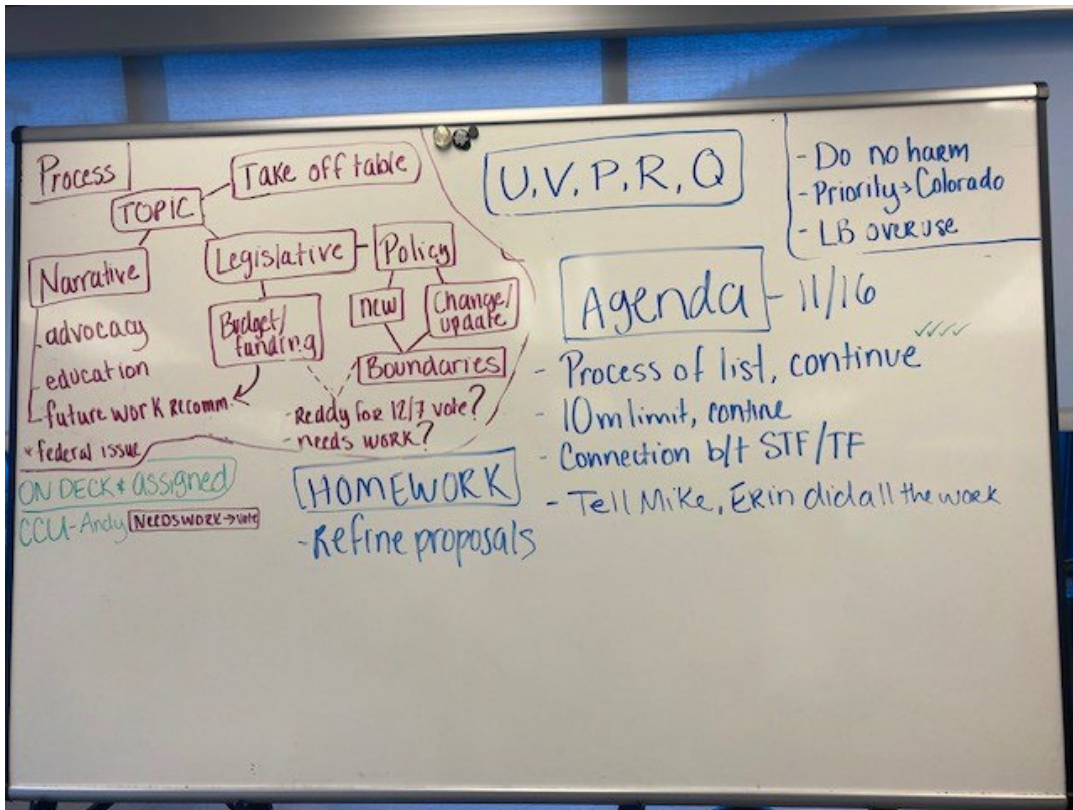


Figure 10. Whiteboard 10

Appendix B: Discussion Notes on Short List Concepts

LIST of CONCEPTS for FURTHER CONSIDERATION by the COLORADO RIVER DROUGHT TASK FORCE

NOTES:

	Concept/Tool/Program	Move Forward	(Something else)	Off the Table for the TF
A	<p>Community and Technical Assistance Grants</p> <p>Steve Wolff assigned to further develop between meetings</p>	<ul style="list-style-type: none"> - Steve will draft a recommendation for potential inclusion in the report and address funding. - Consider creating an estimate of how much \$ might be needed for this program. - Suggestion to analyze whether updating existing programs or creating a new one is most appropriate. - Consider a funding-only category for these. 		
B	<p>Aging Infrastructure: Increased Funding</p> <p>Nancy Fishering assigned to further develop between meetings</p>	<ul style="list-style-type: none"> - There has been a good amount of consensus around this, and it should move forward. - Looking at whether funding sources are TABOR limited – do we need to do this? - Legislature often puts preference on programs that benefit multiple users. - Most water savings should be the thing that carries the day. - Water plan fund requirements might be tweaked. - Bigger funding pot is needed, not just looking to existing pots. Ag users can't always come up with the required matching funds. - we need to tweak to make these feasible for more groups. - We want to make sure that we are careful in our wording in prioritizing private projects vs. multi benefit projects. And do we want to put these on equal benefit? 		
C	<p>Storage: Create Additional Storage</p>	<ul style="list-style-type: none"> - Statewide planning and funding for storage reservoirs. - Storage analysis is going to be discussed at the next CWCB meeting (just FYI for the group) - Is this policy or narrative – Nancy suggests it might be a good one to move forward as narrative. 		
D	<p>Storage: More Flexible Sharing</p> <p>Jackie Brown assigned to further develop between meetings</p>	<ul style="list-style-type: none"> - Are there pockets in other reservoirs that could be shared more flexibly (maybe note as a narrative – there are examples around the state – commenters mentioned it today) - Looking to better improve forecasting tools, soil moisture 		

		<p>monitoring, etc. – opportunity to squeeze more out of existing storage</p> <ul style="list-style-type: none"> - When we have looked at this – if you're putting water into streams during drought to keep fish alive, instead of putting into reservoirs – the reservoirs operators will be flagged as not using all of their storage space – this argues for a legislative change. Currently they would get a paper fill. - State Engineers office is currently constrained on allowing or disallowing flexibility. Suggestion to better understand this so the recommendation will effectively address this constraint. - Kevin discussed the challenges and impacts to downstream users and at what point it becomes injury. - Statute at the State level could be an insufficient way/place to address it – when each region's situation is so unique 		
E	Storage: Rehab & Repair	<ul style="list-style-type: none"> - This is a money one as well - These all are interrelated which is tricky - Creating additional storage (building more reservoirs) and more flexibility in water use when it is outside of the reservoirs. These are very different. So lets talk about aging reservoirs first. - This is our cheapest option – rehabbing our existing reservoirs vs. building new ones. - Move rehab and repair up to the aging infrastructure. 		
F	Storage: Statewide Planning & Funding	<ul style="list-style-type: none"> -Address in report as narrative -Existing doc contains draft language for consideration – Kathy to work on it between meetings 		
G	<p>Forest Health & Wildfire: Natural Process Protection</p> <p>Alex to write up a draft recommendation</p>	<p>Funding for a Climate Change adaptation tool.</p> <p>Address in the report as - Protect natural processes (i.e. beaver dam) where they don't create harm – they should be allowed to stay in place/happen.</p> <ul style="list-style-type: none"> - Kevin offered clarification of how this is being handled currently - Removal of obstruction statute could potentially be tweaked with this. - Move forward as legislative proposal - The current legislation is housed in 317-92-502 (7)narrative. 		

H	<p>Forest Health & Wildfire: Prioritize Forest Health</p>	<ul style="list-style-type: none"> - Healthy Forest Restoration Act covers this to some extent. - 2009 guidelines exist and just need to be enacted - Investing in post-fire recovery - Invest in the State Nursery and other revegetation - Forest Mitigation internship funding - Our recommendation might be to monitor the existing efforts and to see how our recommendations could fit into that. - Feels like a funding request and perhaps a policy item. 		
I	<p>Water Banking</p> <p>Lee will take another look to see what may need to be added to the existing language</p>	<ul style="list-style-type: none"> - Lee wrote some well-developed language into the shared document - the intent is to limit this to intrastate water banking - devil is in the details to make sure that the protection and enforcement actually occurs – if people want to challenge injury - Is streamlined analysis tool needed to give the data to properly implement this? - This will have to have rules that help to implement with local control in place. - Are there limitation on who can lease? Lee – I see that as being part of the development of the individual banks 		
J	<p>Industrial Water Users</p> <p>Jackie Brown assigned to further adjust between meetings</p>	<p>Language is well-developed and adjusted based on feedback from last meeting.</p> <p>Clarifying the intent of the short list language for any future efforts</p> <p>Suggested friendly amendments – Can it be limited to thermal electric production and coal rights? Or does that misunderstand the intent – its not meant to encapsulate oil shale or anything – Jackie will take that back to the group for a tweak.</p> <p>In no event shall existing agricultural diversion rights be impacted – stream should benefit but with no injury to ag users. As of the date of the decree. Keep the multi-benefit concepts without an unintended consequence.</p> <p>Consider comments from other user groups to inform the above.</p> <p>Definition of extracting industries should be added.</p>		

		Kyle offered thoughts on keeping the users base for this broad, rather than narrowing. List the specific facilities impacted		
K	Stream and Riparian Area Management: Temporary Loan Program	Slated for discussion on 11/16		
L	Stream and Riparian Area Management: Augmentation Plans	Slated for discussion on 11/16		
M	Agricultural Water Protection	Slated for discussion on 11/16		



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In-Person Meeting

Colorado River District

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SHORT LIST of CONCEPTS for FURTHER CONSIDERATION by the COLORADO RIVER DROUGHT TASK FORCE				
		NOTES:		
	Concept/Tool/Program	Move Forward	(Something else)	Off the Table for the TF
N	Water Sharing: Reversion of Present Perfected Water Rights	Slated for discussion on 11/16		
P	Water Sharing: Shepherding with Environmental Co-benefits	Slated for discussion on 11/16		
Q	Long-term Outlook for 10-year Total Flow at Lee Ferry	Slated for discussion on 11/16		
R	Numeric Goals for Demand Management	Slated for discussion on 11/16		
S	Measurement Tools	Slated for discussion on 11/16		
T	Invasive Phreatophyte & Species Removal	Slated for discussion on 11/16		
U	Conserved Consumptive Use	<ul style="list-style-type: none"> - Within Colorado adopted for potential IR/ST purposes. -Intended to be broader than Demand Mgmt, apply to any water - Time-limited with 2026 - Legislative proposal but not for a program LOST VIDEO DURING THIS DISCUSSION – AUDIO WAS MAINTAINED – Siobhan stood up to act as camera so detailed notes will need to be added from whiteboards and recording as needed.		
V	Systematic Water Conservation & Lower Basin Overuse	Slated for discussion on 11/16		



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W	Municipal: Turf Removal	Slated for discussion on 11/16		
X	Municipal: Advanced Metering Infrastructure	Slated for discussion on 11/16		
Y	Municipal: Direct Potable Reuse	Slated for discussion on 11/16		

DRAFT

Figure 3. Photo of Board 3

Figure 4. Photo of Board 4

Figure 5. Photo of Board 5