

COLORADO RIVER SUB-TASK FORCE MEETING NOTES

Location: Southwestern Water Conservation District Office, 841 E.
Second Ave, Durango, CO 81301

Date: November 29, 2023

Time: 12:00 p.m. – 5:00 p.m.

Members Present:

Lisa Yellow Eagle – Southern Ute Indian Tribe
Letisha Yazzie – Ute Mountain Ute Tribe
Steve Wolff - SWCD
Celene Hawkins – The Nature Conservancy
Becky Mitchell, State of Colorado

Members of the public present in the room:

Pete Nylander, SUIT
Jimbo Buickerood
Clark Adomaitis
Peter Ortego, UMUT
Shannon Mullane, Colorado Sun

Members of the public present on Zoom:

Anna Mauss
Ed Millard
Josh Kuhn
Clark Adomaitis
Holly Kirkpatrick
Joan Andrew Green Turner
Stacy Coleman
Ken Curtis
Tahlia Bear
Terenca Bear
Terence Apache
Kevin Rein
Lindsay DeFrates
Jerd Smith
Shannon Mullan
Ben Von Thaden

0:17:29 in recording Call to Order & Roll Call

Celene Hawkins called the meeting to order. Introductions.

0:20:34 in recording Review and approval of Agenda

Motion: Motion to approve 11/29 agenda passed unanimously.

0:20:51 in recording Review and approval of 10/30 Meeting Notes

Motion: Motion to approve meeting notes passed unanimously.

0:20:59 in recording Public Comment Period

No members of the public either in-person nor online elected to make a comment.

Time reserved later in meeting for public comment period.

0:22:10 in recording Presentation: "Water Infrastructure Funding Resources"

Presented by Lauren Ris, CWCB

Lauren provided an overview of State Grant Programs (Water Plan Grant, Water Supply Reserve Fund, Wildfire Ready Watersheds, Public Education, Participation and Outreach Or PEPO, Federal Technical Assistance Grants, Non-Reimbursable Project Investment Grants), Water Project Loan Programs

Lauren also answered to questions that were provided ahead of the meeting.

Are tribes eligible for these funding programs? YES

Have tribes applied for these in the past? ONLY A VERY FEW TIMES

Are State staff educated on Tribal priorities? THERE ARE NO FORMAL TRAININGS BUT ONE IS BEING DEVELOPED AS PART OF THE NEW TRIBAL LIAISON POSITION THAT HAS BEEN CREATED.

How much \$ is in the Water Reserve Fund currently? BOARD APPROVES \$3 MILLION EACH YEAR. THIS MONEY IS DISTRIBUTED AMONGST THE ROUND TABLES.

What is the process for getting a project funded, it feels complex? WE ACCEPT APPLICATIONS VIA THE WEBSITE PORTAL, THEY ARE DUE AUGUST 1– BOARD MEETS IN SEPTEMBER TO REVIEW THE APPLICATIONS, DISCUSS ANY ADDITIONAL INFO NEEDED, THEN VOTES ON WHETHER TO INCLUDE THEM AS PART OF THE PROJECTS BILL IN JANUARY. THEN THEY WORK WITH LEGISLATIVE STAFF TO WRITE THIS INTO A BILL AND THEN FUNDING BECOMES AVAILABLE ON JULY 1.

Are there conflicts in any of the grant requirements that would be a roadblock for Tribes? NONE THAT LAUREN KNOWS OF. REQUESTS TO ELIMINATE MATCH

REQUIREMENTS HAVE COME IN AND THEY ARE WORKING ON FINDING WAYS TO MAKE THAT HAPPEN.

Anna Moss from Colorado DNR presented information about Federal Grant Funding Opportunities

Comment from Lisa Yellow-Eagle: When reviewing these opportunities, most seem to be tied to environmental benefits and conservation and finding opportunities for funding aging infrastructure has been a challenge.

How do we apply for the CWCB Technical Assistance Funds? SET UP AN ACCOUNT ON THE PORTAL, FILL OUT THE APPLICATION, TALK WITH CWCB STAFF (MICHAEL) IF THERE ARE ANY CHALLENGES WITH THE PROCESS.

These presentations will be posted on resources page of the task force website at www.crdroughttaskforce.com.

1:03:50 in recording

Presentation: “Measurement Rules Introduction”

Presented by Kevin Rein, S State Engineer’s Office in the Dept. of Water Resources (SEO)

Kevin provided an update on Measurement rules and the importance of those rules to drought and drought management.

This presentation will be posted on resources page of the task force website at www.crdroughttaskforce.com.

1:38:35 in recording

Presentation: “Colorado River Compact Compliance Facts”

Presented by Kevin Rein, S State Engineer’s Office in the Dept. of Water Resources (SEO)

Are we out of compliance on the west slope? “NO” Are we about to go out of compliance “NO” This presentation demonstrates why these answers are no. Additionally, it shows why future planning for this is tricky.

This presentation will be posted on resources page of the task force website at www.crdroughttaskforce.com.

1:52:33 in recording

Presenter: Stacy Coleman, Tribal Liaison, Colorado DNR

Stacy presented information on the new DNR position and her vision on how she might help the tribes. Staff members at DNR and Stacy, in her new position, are available to help tribes meet needs around water and hope to see regular meetings to build a roadmap together on how the State can be supportive. She also will provide support to help with navigating federal agencies.

No slides were used in this discussion – view the meeting recording for details on this discussion.

2:36:32 in recording

Public Comment Period

No members of the public either in-person nor online elected to make a comment.

Time reserved at end of meeting for public comment period.

2:38:24 in recording

Discussion Of Main Task Force Draft Recommendations to determine if there are comments the Sub-Task Force would like to add into the working document before the deadline on 11/30. (See whiteboard photo below)

MOTION from Steve Wolff to add comments as captured to the main Task Force Recommendations working document. Sub-Task Force voted unanimously to pass this motion. Celene will enter these into the draft document on behalf of the sub-task force.

3:24:34 in recording

Discussion of Development of Recommendations from the Sub-Task Force.

Potential Pilot Program on Compensation to Tribes for Forebearing Water Rights Development

Lisa Yellow-Eagle brought forward a draft recommendation that the Southern Ute would like to see a pilot program to compensate tribes to forebear development of water rights for a certain number of years. This would develop some funding to address aging and new infrastructure. As of now, all undeveloped water is currently going downstream. With only two tribes in the State of Colorado, this could be a useful area to pilot this concept. This would focus on the federal reserve water rights and work with the state on how and where that water would be most beneficial.

Becky brought up that we would have to be careful that this does nothing to harm development of tribal water rights into the future. Becky also suggested that funding should likely come from a federal source. Also, we would need to ensure that this doesn't harm other water users.

Celene suggested that it would be good information to do a pilot, whether it is successful or if it isn't – both ways it provides good information going forward. What specifically would we be asking the legislature?

Becky isn't sure that this would require legislation. She would like to investigate this between meetings to see how this would be best moved forward.

Kevin is inferring that everything would proceed as it is.

Maybe we can look at existing programs to see how this might work. We can look at next steps as to how this idea gets further developed.

Lisa will address some of the questions asked today.

Adjustments to Allowable Water Uses on Reservations

Letisha suggested a recommendation that Ute Mountain Utes would like to see a change to the decreed beneficial uses. Once the water reaches tribal land, she would like there to be no limitations on how the water is used. They would envision working with the State first before entering any Federal conversations. State would make a statement that they have no issue with the tribes using their water as they see fit within the tribal lands, so long as that is legal for other purposes as well. Right now the tribes are under a lot of restrictions on how the water is used once it hits their lands.

If there is a State-level solution, we would like to address that in this sub-task force.

PRIP Funding

Lisa Yellow-Eagle would like to suggest a recommendation that the State of Colorado general assembly might make a resolution to Congress to fully appropriate Pine River Indian Irrigation Project.

Lisa Yellow-Eagle will further develop this between meetings.

Gross to Net Funding - Dolores

Letisha committed to move this forward between meetings.

Dedicated Assistance

Letisha suggests a specific position at the State focusing on moving forward issues of tribal water rights.

Becky was concerned that a State employee could be constrained and wanted the opportunity to think about how that might look to be most effective.

Letisha will work on this between meetings and specifically develop goals for this position. Stacy can support this effort.

Ability to Waive or Reduce Match

Celene wanted to bring up that the State may not have the discretion to wave the match. How should we address this?

We may want to give the CWCB board the discretion to wave this requirement, for tribes and other groups of need. Letisha will work on this Lauren or Anna can assist.

Cultural Protection of Instream Flow

Right now, there are certain criteria where we can protect instream flow. For instance, there are certain plants and animals that the tribe relies on that need water to survive. This would be a recommendation to add to those criteria to allow for this protection – it would be statewide or even extend to other tribes.

Recommendation might be to identify what can be done to address this. Rather than to fully develop all details before process ends. Letisha will further develop between meetings.

BREAK

4:32:00 in recording Develop agenda for the 11/29 Sub-Task Force meeting

Agenda Items proposed for the 12/8 meeting:

- Resume discussion on development of recommendation.
- Determine what will go into the final report for the sub-task force.
- Review final document from the main task force and determine any positions on it.

Facilitators will use the table from these notes to pre-fill working documents for sub-task force to use as a starting point.

Next Meeting is virtual on December 8, from 12 – 3 pm. Facilitators will provide a link for this meeting.

4:43:45 in recording

Public Comment

No verbal or online public comments.

4:44:00 in recording

Adjourn

Celene motioned to end meeting. Letisha seconded. Passed unanimously.

APPENDIX

A. Flipchart notes image.

