

# COLORADO RIVER SUB-TASK FORCE MEETING NOTES

Location: Ute Mountain Ute Tribe's Council Chambers, 125 Mike Wash Rd. Towaoc, CO 81334

Date: October 23, 2023

Time: 10:00 a.m.–1:00 p.m.

**0:00:29 in recording**

Letisha Yazzie initiated Introductions/Roll Call.

**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 (attended virtually)

**Members of the public present in the room:**

Peter Ortego - Counsel for UMUT  
Ken Curtis- DWCD

**Members of the public present on Zoom:**

Catlin Weber  
Ed Millard  
Joan Green Turner  
Josh Kuhn  
Luke Mecklenburg  
Mo Rock, SWCD  
Student  
Tahlia Bear  
Shannon Mullane, CO Sun  
Jessica Gelay  
Christine Sage  
Leandro I

**0:01:07 in recording**

Review and Approval of Agenda.

**Motion:** Lisa Yellow Eagle requested to move agenda item of access to clean tribal water to the next meeting agenda (10/30). Lisa motioned to approve the agenda with the change. Becky Mitchell & Steve Wolff seconded. Agenda approved.

0:03:02 in recording

### Public Comment (1 of 2)

Jordan Brock from the Langdon Group facilitated the public comment period.

Ken Curtis – Dolores Water Conservancy provided comment in person to the Sub-Task Force.

**Motion:** With no other people requesting to make a public comment, Letisha Yazzie motioned to close public comment with the opportunity to reopen public comment again at the end of the meeting. Becky Mitchell seconded. Motion with the amendment approved.

0:07:40 in recording

### Discussion of Potential Solutions

Potential recommendation to the Legislature: requesting CO support on Federal action around Indian water rights and access. Discussion continued around the issues of how water is credited; the Colorado legislature writing a statement of support for Ute Mountain Ute Tribe (UMUT) and congressional action; the role of water court in Animas-La Plata (ALP) project and the issue of sequence, what needs to happen first. Discussion continued on sequencing and the when of water court change, the involvement of the Bureau of Reclamation, contracts, and restrictions on water use. Peter Ortego (counsel to UMUT) provided insight.

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The group then moved to discuss whether to work on removing barriers for Tribes to access existing funding or to develop Tribal-focused funding, particularly related to funding through the Colorado Water Conservation Board (CWCB). **Becky Mitchell recommended asking Nate Pearson, Recovery Officer from the Dept. of Natural Resources (DNR) to advise the group along with Lauren Ris, CWCB Director. Letisha and Becky will coordinate inviting them to the next meeting virtually or in-person.**<sup>1</sup>

The discussion then moved to the hurdles for accessing funding. Letisha explained that UMUT applied for a Technical Assistance Grant and it is currently held up in the Controller's Office. It is possible the issue with the hold up is how the Farm and Ranch Enterprise fits in with the Tribe. Discussion continued on how the Southern Ute Indian Tribe (SUIT) has not applied for state water funding and therefore some of the issues for accessing funding are still unclear because they have not been tested. It was recommended that starting the funding conversation with the CWCB may help clear some things up or direct their future path to understanding issues.

The group discussed and agreed that it was worth exploring how to lower barriers to existing programs rather than creating a set-aside pool of funding. The group discussed the next steps including: creating a bucket list of funding available barriers; but since they aren't the correct group **inviting Nate Pearson. Celene advised that the group develop some targeted questions for Nate. These included:** asking from the state's

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<sup>1</sup> **Bolded wording** indicates an action item, discussion item for future meeting, or topic change.

perspective, what funds are available? Does he know from a federal perspective what funds could be available? What does he see as the barriers to Tribal access to funds? Helpful information to request might include questions on state programs that have statutory and/or agency policies; whether Tribes are clearly eligible as applicants; matching requirements for Tribes; Controller's Office and contracts; could a master contract that served as an umbrella for multiple grants work or a standard Tribal contract? **Possibly bringing in Tribal attorneys to join the conversation.** Becky clarified that Nate Pearson should be the conduit between the Sub-Task Force and the Controller's Office.

**The group agreed that some of this information would be useful to bring the larger Task Force, potentially to inform recommendations from the group.**

**Letisha asked Celene to create questions. Celene agreed with the caveat** that she would not be able to research all state programs and that Lauren or Nate would be best to ask for that information.

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Letisha raised the point that there is a Tribal Liaison to DNR, Stacy Coleman, but it could be useful to have one in each division of DNR. Discussion continued on barriers beyond funding, including technical, project development; how to clearly define exactly what the group is looking for. Inviting Stacy Coleman was discussed along with Lauran Ris and Nate Pearson, but with the understanding of some clear questions and purpose as to what was needed by the Tribes.

Discussion continued on whether a full time Tribal Liaison within the CWCB was needed or how that role could be filled in other ways such as a using a regional CWCB position, like Laura Spann's role; or within Steve's office at SWCD.

Lisa continued the discussion by bringing it back the larger Task Force's role in making recommendations about programs that are open to Tribes and removing barriers. Participating in the Task Force has given her more awareness of pots of fundings and programs that exist. She wants to make sure they are available to Tribes. She reiterated the group's agreement to identify programs they want to expand access rather than creating a separate Tribal funding pool.

Lisa then continued the discussion on SUIT's interest in one of the main Task Force areas of interest: funding for aging infrastructure. She also brought a list of 19 project priorities for SUIT, developed with the BIA and focused on the Pine River Irrigation Project (PRIP). \$2.9 million is the biggest request, then 18 smaller projects. The whole list is \$12.38 million. **She will share the list with the group.** Lisa also suggested they focus on asking Congress to fully appropriate Water Infrastructure Improvements for the Nation Act (WIIN Act). Discussion followed about what the recommendation would look like, potentially a letter from the legislature.

Celene noted the intersection of state and federal and suggested they consider the Arkansas Valley Conduit (AVC) project as an exemplar to draw lessons from. What was the path for the AVC and what would that look like with PRIP? Discussion followed on next steps, Bipartisan Infrastructure Law (BIL), Inflation Reduction Act (IRA), and complications with Reclamation. Becky cautioned that no one person would have the answers to all their questions.

Lisa reminded the group that their discussion on bringing water to Tribal Homes was deferred until their next meeting. She stated she spoke with Kevin Rein, State Engineer's Office, who could potentially attend their meeting on October 30.

Celene asked the group where the larger Task Force is heading in terms of recommendations. Lisa, Steve, and Letisha responded. Steve summed up what he saw as the sub-task force's two high-level areas: 1) CWCB funding issues/qualifications; 2) Things that are more federal issues that could be addressed through a state legislative resolution or push to state senators. Some clarification and discussion on what was meant by "water banking" ensued.

Break (11:11am – 11:21am)

Lisa stated she did not have any other recommendations at this time, but will at the next meeting after meeting with the Utilities Dept.

1:15:15 in recording

**Letisha developed a list of projects but is waiting for approval from the Farm & Ranch Enterprise before sharing with the group.** Some of the projects listed include broadband; funds to pave the road; storage at the end of a canal (approx. 1000AF); grant writing capacity; piping certain sections of ditches and cleaning existing; replacing standalone sprinklers with shooting sprinklers (unclear on technical term), upgrades all around.

Celene shared the name of the organization who works with Tribes on range planning is the Indian Nation Conservation Alliance, based in Taos.

1:20:22 in recording

#### **Presentation to Main Task Force on 26th**

The group discussed their presentation to the larger Task Force on Oct. 26<sup>th</sup> including the sub-task force update, the Tribal water context, and challenges the Tribes face. Celene suggested using Steve's framing on seeing linkages between state-federal, Tribal access to CWCB funding, and prepping the Task Force for some recommendations from the Sub-Task Force.

The Sub-Task Force requested that the time for their update to the larger Task Force occur after the Tribal Water Presentation in the Oct. 26<sup>th</sup> meeting. **Kelsea MacIlroy stated that she will update the larger Task Force agenda to reflect this request.**

The group continued to discuss how the larger Task Force could ensure Tribal access to tools and programs; the challenge of conservation when

the Tribes can't access all their water; efficiency improvements to PRIP; compensation for water UMUT is not using going to Lake Powell; working with the UCRC, Reclamation on their contracts.

**1:36:40 in recording**

**Letisha requested ideas from the group on things that would benefit the Tribes. Celene requested to do that at the following meeting.**

Mike Preston (UMUT) added context on the Farm and Ranch Enterprise including drought resilience, infrastructure improvements, variations in cropping, and adaptation to less water; history and context of UMUT water right subordination and the challenges that creates for the Tribes to access water.

#### **Agenda for October 30**

Items for the agenda: discussion on Tribal access to clean water; bringing Letisha's question on ideas for things that could benefit the Tribes to the full Task Force; recommendations for Tribes.

**Letisha and Becky will reach out to Nate and Lauren to invite them to next meeting.** Sequence: The group will talk with Nate Pearson first and work on identifying a federal person. Inviting Kevin Rein, State Engineer to the Oct. 30<sup>th</sup> meeting.

Location for next meeting: Leonard Burch Building, Ignacio. Sign in at front desk and Lisa will walk everyone up as the meeting will be in a key access conference room. The meeting is 1-4pm. **Lisa will send out the physical address along with agenda.**

**1:46:25 in recording**

#### **Public Comment (2 of 2)**

The group then opened up public comment again. Jordan Brock facilitated public comment for people online and in-person.

In-person: Ken Curtis made a public comment.

Letisha mentioned the Tour is open to the public – meet at community center at 7:30am on Thursday morning.

**1:51:30 in recording**

Letisha adjourned out the meeting at 11:57am.