

COLORADO RIVER SUB-TASK FORCE MEETING NOTES

Location: Southern Ute Indian Tribe's Leonard C. Burch Building,
356 Ouray Dr., Ignacio, CO 81137, Buckskin Charlie
Conference Room

Date: October 30, 2023

Time: 1:00 p.m.–3:00 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 (attended virtually)

Members of the public present in the room:

Pete Nylander, SUIT
Terence Apache, UMUT

Members of the public present on Zoom:

Ed Millard
Joan Allen Green
Bruce Whitehead
Luke Mecklenburg
Nate Pearson
Jessica Gelay
Josh Kuhn
Ken Curtis
Lindsay DeFrates
Orla Bannan

0:01:50 in recording Call to Order & Roll Call

Lisa Yellow-Eagle called the meeting to order. Introductions.

0:02:40 in recording Review and approval of Agenda

Motion: Steve Wolff motioned to approve agenda. Celene Hawkins provided a second. Motion passed unanimously.

0:04:00 in recording Public Comment Period

Pete Nylander – Alternate for SUIT

Time reserved at end of meeting for public comment period.

Motion: Steve motioned to close public comment. Celene and Letisha second. Motion passed unanimously.

0:07:10 in recording Discussion: “Tribal Access to Clean Water”

Letisha Yazzie reported out on Ute Mountain Ute Tribe’s (UMUT) access to clear water.

Lisa Yellow Eagle gave a report on her conversation with the Southern Ute Indian Tribe’s (SUIT) Utilities and access to clean water among tribal members. In response to a question from previous meeting as to whether SUIT Utilities would put in a project that would include non-Indians, at this time, Utilities isn’t considering because there is not currently funding, there are jurisdictional issues, and grants are often for Tribes and Tribal lands only and may not be able to cross non-Tribal lands. Lisa requested more information on needs for funding and projects from Utilities and Lisa will include that with the full list. Forthcoming.

0:15:03 in recording Continue Discussion Regarding Solutions to using Tribal Settlement Water

Sub-Task Force members discussed the focus of the November 29th meeting being where the state can play a role in support of Tribes. Nate Pearson from the CO Dept. of Natural Resources, Lauren Ris from the Colorado Water Conservation Board (CWCB), and Kevin Rein, State Engineer’s Office in the Dept. of Water Resources (SEO) have been invited to attend for discussion. Becky Mitchell requested a recommendation for a federal person to invite from Nate Pearson.

The Sub-Task Force continued discussion on Tribal Water Rights quantification, use, and the right pace for Tribal water development and recognizing that development can happen at different paces. How can Tribal priorities be built into the approach to encourage resilience for all because when Tribes are stewarding rivers well, others benefit as well. Conversation continued on healthy forested rivers, leveraging state and federal funds for the Southwest Basin and the Tribes; ensuring that any new tools developed work for the Tribes, especially in the funding and administrative space. Examples of funding opportunities for forest management and health were discussed.

0:31:26 in recording Develop questions for Colorado DNR and State Engineer for November 29th meeting

Celene, at the request of other Task Force members, developed a set of questions on behalf of Sub-Task Force. She provided an outline the question list. Focus is on

better Tribal access to State and Federal funding. Sub-Task Force members then discussed each question and refined them to send to invitees for the 11/29 meeting.

Members then discussed potential questions for Kevin Rein, State Engineer. Letisha will not be meeting with the Water Committee until Nov. 13th, so Lisa will wait until after that date to set the 11/29 agenda. After discussion, members agreed to think more about potential questions. In particular, whether there are any particular provisions of how Colorado Ute Water Settlement might change the way the State Engineer shepherds water either as Tribal water or water through Tribal Lands?

Lisa requested clarification on a question Celene drafted related to the Arkansas Valley Conduit and how it could apply to the Tribes, as well as the Projects Bill. Discussion ensued regarding the two questions.

Lisa next asked about funds from the Colorado Water Resources and Power Development Authority (CWRPDA). Bruce Whitehead, a member of the board and in the audience, was invited to share information with the Sub-Task Force. Bruce will inquire about Tribal access within CWRPDA and will follow up with the Sub-Task Force.

Lisa proposed forwarding all questions other than the question regarding CWRPDA to DNR to prepare for meeting on the 29th. All STF members agreed to the list of questions. (1:27:00 in recording)

1:28:35 in recording

BREAK

1:38:32 in recording

Update for WRAR Committee

The Chair of the main Task Force and facilitator will be providing an update to the Water Resources and Agriculture Review Committee meeting tomorrow. The Sub-Task Force discussed what they would like to send with them to report on for the Sub-Task Force. This included the reason why there is a need for the Sub-Task Force, reviewing the issues the group has discussed, flagging the upcoming discussion on Nov. 29th, highlighting the question as to whether some of these need policy or legislative fixes and how the group does not know yet; how they plan to come up with recommendations; their final meeting on Friday, December 8th; and a statement that members of the Sub-Task Force serve on the main Task Force or as alternates and will continue to ensure that they integrate information. The Sub-Task Force is trying to keep the main Task Force informed and Letisha and Lisa provide an update to the main Task Force at each meeting.

1:47:12 in recording

Develop agenda for the 11/29 Sub-Task Force meeting

The next Sub-Task Force meeting will be Wednesday, November 29th from 12:00pm to 5:00pm.

Kelsea and Steve review important deadlines for potential recommendations for the main Task Force. The Task Force will have all potential recommendations

down by 11/6, Sub-Task Force members will review proposals to see if STF needs to comment. The main Task Force must have all recommendations up for a vote on the Short List by 11:59pm on 11/30. The STF discussed when they should begin drafting language for recommendations – agreeing to draft recommendations between 11/29 and 12/8.

The STF requested a shared google working document on the website specifically for STF work. Kelsea will create.

Steve requested a section for background on Tribal Water Rights in the Final Report. Kelsea will create.

The STF discussed splitting up their recommendations in two ways: 1) Requesting a resolution from the General Assembly or State to help on federal funding for Tribes; 2) State funding barriers.

Agenda Items proposed for 11/29 meeting:

- Public Comment – 15 minutes
- Discussions with CWCB & CO DNR – Lauren Ris & Nate Pearson
- Discussions with Kevin Rein, State Engineer
- Discussion with Stacy Coleman, Tribal Liaison DNR.
- Time to draft recommendations.

Kelsea shared that the STF had received a written public comment from Ed Millard that will be added to the meeting notes along with a written comment Ed Millard entered into the Q&A.

2:05:00 in recording Public Comment

No verbal public comments.

Celene motioned to end public comments (2:06:45 in recording). Steve second. Passed unanimously.

2:07:10 in recording Adjourn

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

Public Comment in Q&A:

Ed Millard: Isn't there a \$200+ million shovel ready project from Ed Tolen and La Plata Archuleta on the Colorado Water plan IPP list to provide domestic water pipelines to Southern Utes?

SEE APPENDIX for written comments submitted to Sub-Task Force.

APPENDIX

- A. Written Comment Submitted by Ed Millard *See attached.*

DRAFT