



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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July 28, 2023

Kathy Chandler-Henry
SB-295 Colorado River Drought Task Force Chair
201 Centennial St., Suite 200
Glenwood Springs, CO 81601

Dear Chair Chandler-Henry,

The Colorado Water Conservation Board (CWCB) is closely monitoring the development of the Colorado River Drought Task Force, established by SB 23-295, and its directive to develop recommendations for state legislation. We would like to provide some context for how our Board has wrestled with the issues which are before you, including the foundational question about whether a Demand Management program is feasible and advisable for Colorado.

The CWCB Directors represent each major Basin in Colorado. For more than eight decades, the Board's nine Directors have guided state policy toward the best outcomes for the entire state. This representation has been so effective that neighboring states have modeled agencies after it—most notably Utah's new Colorado River Authority and its statewide seven-member board, which represents water users across the state.

The CWCB's statutory mission is to conserve, develop, protect, and manage Colorado's water for present and future generations. Because the CWCB is charged with protecting the water interests of the entire state, the CWCB board and staff spearheaded the Demand Management Feasibility Investigation in Colorado from 2019 to 2022. Our work considered the complexity, nuance, and feasibility of a potential program for voluntary, temporary, and compensated water conservation in Colorado as a signatory to the Upper Colorado River Basin Compact and for purposes of ensuring ongoing compliance with the Colorado River Compact. It took over three years and more than a hundred subject matter experts to develop the current body of work. Many appointed Drought Task Force members were personally involved in that process.

Colorado cannot establish a Demand Management program on its own. Each Upper Division State, as a member of the Upper Colorado River Commission, must agree to its feasibility before a program can be established. A decision to implement such a program would be a four-state determination also made through the Upper Colorado River Commission. These requirements are spelled out in the Demand Management Storage Agreement, which is part of the 2019 Upper Basin Drought Contingency Plan and is federal law. Furthermore, the allowance for a protected account in Lake Powell for storage of conserved consumptive use resulting from an Upper Basin Demand Management program expires in 2026.



On Thursday, July 20, 2023, the CWCB Board unanimously affirmed continuation of a “pause” stance regarding the CWCB investigation of Demand Management. This decision reflects the fact that Colorado has, for several years, stood out as a leader in our examination of the feasibility and advisability of the concept. Perhaps more importantly, the CWCB Directors recognize that the efforts of our Upper Colorado River Commissioner and her staff have been powerfully effective in redirecting the entire Colorado River conversation toward an understanding that the problems, and therefore the solutions, for most of the supply challenges on the Colorado River are in the Lower Basin.

The CWCB also unanimously decided to convey the entire catalog of Demand Management Work Products to the Drought Task Force. Our hope is that this body of work serves as a constructive, collaborative foundation for the Task Force’s discussions. Any discussion of Demand Management, or state legislation pertaining thereto, must be informed by the existing and vast investigation already completed on these topics. The attached memo provides an introduction and framework through which to consider these products.

The Colorado River Drought Task Force convenes at a time when climate change and Lower Basin overuse are creating pressure to do something. We share your bias towards action. We also want to clearly state that both the Board and staff of the CWCB stand ready to assist the Drought Task Force, including through a direct presentation to the Task Force, in understanding past and present efforts exploring Demand Management, as well as our current evaluation of where this important conversation is headed in the future. However, as the Task Force considers recommendations for state legislation, the CWCB Board urges you—as the Chair—to promote statewide unity foremost. Statewide collaboration has been the underlying spirit of CWCB’s Demand Management Feasibility Investigation and of our Upper Colorado River Commissioner’s efforts – a spirit that we hope you will continue to foster as the Drought Task Force tackles this complex topic.

On behalf of the CWCB Board, I extend our appreciation of the task before you, our gratitude for your commitment to lead this conversation, and our hope that the work of the Drought Task Force is firmly built upon the foundational documents which we now share.

Sincerely,



Greg Felt
Board Chair
Colorado Water Conservation Board
1313 Sherman Street, Room 718
Denver, CO 80203

cc: Task Force Members, Tribal Sub-Task Force Members, Bill Sponsors, CWCB Board Directors

