

# Southwestern Water Conservation District

## Board of Directors Special Meeting via Zoom

March 28, 2024

**Present:** Dagan Chadd                      Kenny Heldman                      Gerald Koppenhafer  
                    Jenny Russell

**Absent:** Jr Ford                                      David Guilliams                      Rusty Hinger  
                    Amy Huff                                      Charlie Smith

**Staff:** Steve Wolff, General Manager

**Consultants:** Garin Vorthmann, Colorado Legislative Strategies, SWCD State Affairs Lobbyist  
                    Beth Van Vurst, General Counsel, Van Vurst Law  
                    Peter Butler, SWCD consultant for water quality matters

**Guests:** Naomi Dobbs, Congresswoman Boebert's Office  
                    Ed Millard

### 1.0 Call to Order – Roll Call and Verification of Quorum

President Jenny Russell called the meeting to order at 12:02 p.m. The Roll was taken, and it was determined there was not a quorum present. Beth Van Vurst noted that without a quorum, the board would not be taking any action at today's meeting, just discussing ongoing legislation.

### 2.0 Review and Approve Agenda

Steve Wolff said they would not need to discuss agenda item 5.0 executive session or 5.1 Summary and any action item from the executive session.

### 3.0 Questions & Comments from the Public

There were no questions or comments from the public.

### 4.0 State Legislative Update & SWCD Position on Bills

Steve Wolff and Garin Vorthmann discussed the following bills and provided the following state legislative updates:

The Budget is being debated in the House and should pass this coming Monday to go over to the Senate. The Long Bill is what was expected (no surprises). It should be completely finalized next week.

#### WOTUS Dredge and Fill/Gap Water in response to the Sackett decision

SB24-127—This bill would place the program under the authority of the Department of Natural Resources. It also states that State rules cannot be more stringent than those set federally in 2007. Water Congress has taken a position of support.

HB24-1379 – This bill was introduced this week. Ag Committee chairs from both houses have signed on and are sponsoring this bill. This bill places the program under CDPHE, and the rules can be more stringent than the 2007 rules. The definition of state waters contained in this bill is broader than SB24-127. Peter Butler added that CDPHE had spent time putting together a bill with stakeholder meetings, but this is not the same bill that has been introduced. The largest difference between HB24-1379 and the un-introduced CDPHE bill is the scope. For example, isolated wetlands were included in HB24-1379. Jenny Russell asked how they would resolve the differences between the two bills or if they would get a separate vote. Garin stated that she thinks SB24-127 will not pass but expects some of the language to be added to HB24-1379. Jenny expects that the board will want to take a position later.

Steve Wolff stated that a bill from Senator Simpson relative to conservancy districts has been tabled indefinitely until some issues are worked out.

Jenny Russell asked about the land use bill that died last year. Garin stated that multiple smaller bills are being pushed instead of pushing one bill forward. One bill is building more affordable housing around transit centers. Local governments are still frustrated by a number of these bills that they believe are encroaching on their authority. Jenny Russell asked about new zoning legislation, which would require that affordable housing be allowed in all the zones. Garin stated that she had not heard of that issue and would look to see if it was buried in one of those bills. Beth Van Vurst thought that the bill narrowed to a certain size population, which narrowed it to mostly the front range.

The board had no further discussion regarding legislation.

#### **5.0 Executive Session**


The board did not go into executive session.

#### **6.0 Summary and Any Action Items from Executive Session**

N/A

#### **7.0 Adjournment**

President Jenny Russell adjourned the meeting at 12:23 p.m.

  
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Jenny Russell, President