

**Southwestern Water Conservation District
Board of Directors Regular Board Meeting
Town Hall, 455 Mountain Village Blvd.,
Mountain Village, CO 81435
July 12 & 13, 2023**

Present: Dagan Chadd David Guilliams JR Ford (7/12)
Kenny Heldman Rusty Hinger
Amy Huff Jenny Russell
Gerald Koppenhafer Charlie Smith

Absent: JR Ford (7/13)

Staff: Mo Rock, Programs Coordinator
Steve Wolff, General Manager

Consultants: Pete Foster, Wright Water Engineers
Carrie Padgett, Harris Water Engineering
Beth Van Vurst, Van Vurst Law, General Counsel
Skyler Zilliox, Wright Water Engineers
Elaine Chick, Elaine Chick Consulting*
Garrin Vorthmann, Legislative Strategies*
Christine Arbogast, Kogovsek & Associates, Inc
Peter Butler, *

Guests: Sara Burch, San Juan Citizens Alliance*
Adrian Bergere, San Miguel Watershed Coalition
Laura Spann, Colorado Water Conservation Board*
Mark Ragsdale, Division of Water Resources
Sandy Ragsdale
Kevin Murphy, United States Geological Survey
Chuck Cullum, Upper Colorado River Commission
Sara Larsen, Upper Colorado River Commission
Letisha Yazzie, Ute Mountain Ute Tribe

**Asterisk indicates participation via Zoom.*

Wednesday, April 12, 2023

1.0 Call to Order – Roll Call and Verification of Quorum

President Jenny Russell called the meeting to order at 1:07 p.m. Roll was taken, and a quorum was established.

2.0 Review and Approve Agenda

Steve Wolff recommended moving Peter Butler's Presentation, item 14.3, to today [Wednesday] at 3 p.m., since Peter is unable to attend the meeting on Thursday. There was a board consensus to approve the agenda as revised.

3.0 Approve and/or Remove Consent Agenda Items

4.0 Consent Agenda

Jenny Russell reviewed the consent agenda and clarified that the board would be approving all prior minutes listed on the consent agenda except for February 3, 2023, March 30, 2023, and June 13, 2023, and accepting the Treasurer's Report (06/30/2023). Minutes being approved include: December 7, 2022; January 17-18, 2023; February 16, 2023; March 02, 2023; March 16, 2023; April 12-13, 2023; April 27, 2023; and May 31, 2023.

Dagan Chadd made a motion to approve the consent agenda except for minutes noted as pending on the consent agenda, and Rusty Hinger seconded. The motion passed unanimously.

5.0 Executive Session

Beth Van Vurst recommended that the board move into executive session for the purpose of discussing agenda item 5.1, Colorado River Interstate and Intrastate matters, including short-term operations, re-negotiation of the interim guidelines and ongoing water conservation efforts, and agenda item 5.2, Development of Division 7 Measurement Rules. The statute covering this executive session is § 24-6-402(4)(b), C.R.S., "conferences with an attorney for the district for the purpose of receiving legal advice on specific legal questions." Kenny Heldman moved that the board go into executive session. Amy Huff seconded. The motion passed.

6.0 Summary and Action Items from the Executive Session

At 2:59 p.m. Beth Van Vurst gave an overview of the Executive Session. Beth stated that no action was taken and that there was nothing to follow-up on in open session today. Beth noted that the development of the Division 7 Measurement Rules is listed as a topic for discussion tomorrow, under agenda item 15.8.

7.0 Questions and Comments from the Public

There were no questions or comments from the public.

8:0 General Counsel Legal Report

Beth Van Vurst let the board know that they [Steve Wolff, Pete Foster and her] have reviewed the monthly water court resumes for Divisions 3, 4, and 7, there were no applications that required further discussion or the filing of opposition from Southwestern Water Conservation District. Beth also gave an update on the status of the transmountain Water Court Cases, currently, the district is involved in 6 transmountain cases that involve the export of water from the San Juan Basin into the Rio Grande Basin. The District is in active settlement negotiations with the BLM. Beth asked that she [and Steve] remain in contact with Jenny Russell and JR Ford, as the President and Vice President, through the next steps in the negotiation process and give the whole board an update at the October meeting. Lastly, Beth gave a quick overview of

Supreme Court cases, Hill vs. Warsewa, Arizona vs. Navajo Nation, and Sackett vs. EPA [Waters of the US: SCOTUS Decision].

15.3 Peter Butler updated the Board on the State of Colorado's reaction to the Sackett vs. EPA decision, including the Colorado Water Quality Control Division's draft memo on enforcement of unpermitted discharges into "state waters" .

Board Work Session on Water Conservation Needs in SWCD

Steve Wolff introduced the topic for discussion, Water Conservation & Infrastructure Needs in SWCD. Steve pointed the Board to the updated framework document in the Board packet. This discussion focused on what role Southwest will play within the District boundaries. Topics that came out of the discussion were that the District is interested in pursuing a program-based conservation effort that could access current federal funding. The largest challenge behind this idea was the need for more capacity at SWCD to support such a program. During the session, Laura Spann spoke to CWCB funding and how that might tie into this idea of a program. The Board decided that it would be best for staff and partners to iron out more details and options, and present them to the Board at the following board meeting.

8.0 Recess until Thursday

The board recessed at 4:30 p.m. until Thursday, July 13, 2023, at 8:30 a.m.

Thursday, July 13, 2023

9.0 Call to Order – Roll Call and Verification of Quorum

President Jenny Russell called the meeting to order at 8:34 a.m. Roll was taken and a quorum was established.

10.0 Review and Approve Agenda*(time: 00:01:00)*

There were no changes to the agenda.

11.0 Questions and Comments from the Public

Sara Burch, San Juan Citizen Alliance, wanted to share an event with the Board sponsored by San Juan Citizens Alliance, Give a Dam, Colorado Healthy Headwaters Working Group, Mountain Studies Institute, and Dolores Rivers Anglers Trout Unlimited Chapter - it is a free workshop titled Philosophy, Tools, and Tales of Success for Rebuilding Resilient Rivers in Southwest Colorado on September 22nd at Fort Lewis College.

12.0 Director Updates and Issues for Discussion

Each Director in attendance provided an update on hydrologic conditions, ongoing, and issues in their respective counties.

Overall, most counties experienced a successful rafting season, and the rivers are starting to go down. There was consensus that there was still snow up in the high country. Gerald Koppenhafer (Montezuma County) stated the Mancos River had not yet gone on call, which was rare for this time of year, and gave an overview of the Bever Ditch repairs that SWCD provided an emergency grant for. Rusty Hinger (Mineral County) said that Wolf Creek and West Port are

both still running high and that the Forest Service will be postponing a fish barrier on Fall Creek for another year.

Kenny Heldman (Montrose) and Amy Huff (La Plata) gave longer presentations going over the history of water in their counties. Director Huff focused on projects throughout La Plata County that required collaboration with various partners and Director Helman focused on the history of Montrose County.

12.0 Consultant Updates

Carrie Padgett with Harris Water Engineering gave a report to the Board. Since the board packets were put together, Steve Wolff and Carrie have been sending out support letters for the Recovery Program. The current authorization has expired. These letters have been sent to Hickenlooper and Bobert to reauthorize the program for seven years. Please see the memo that Carrie supplied in board packets for more details.

Elaine Chick with the Water Information Program gave an overview of the Water Information Program, please see her memo in the board packet for more details.

13.0 Partner Updates

Bob Hurford and Rob Genualdi from the Division of Water Resources gave a hydrologic update for Division 4 and Division 7. Overall, flows were above average, and little to none of the state was in drought. Additionally, reservoir storage was over average.

Chuck Cullom with the Upper Colorado River Commission (UCRC) gave an overview of the UCRC's 303rd Regular Meeting and their five-point plan. Chuck spoke to the System Conservation Pilot Program (SCPP) and looked at a year of the program in review. A final report from the 2023 program will be available in late 2023 or 2024. Other topics included Demand Management, Drought Response Operations Agreement (DROA), Bipartisan Infrastructure Law (BIL), and (IIJA) funding. There will be more updates at the UCRC meeting in December. Lastly, Chuck spoke to the Supplemental Environmental Impact Statement (SEIS) process.

Laura Spann gave a brief overview of the CWCB Grant program, unfortunately, there were tech issues during her presentation, but you can find information about the available grants in her memo.

Letisha Yazzie with Ute Mountain Ute Tribe introduced herself and gave an overview of her position with Ute Mountain Ute Tribe.

14.0 Legislative Updates

Christine Arbogast gave an update on federal affairs and explained some new senate rules. Some Bills being introduced include invasive species to stop the spread of mussels which was introduced by Bennet, reauthorization of the Colorado River endangered fish recovery programs, a voluntary groundwater conservation easement, several bills relative to the new farm bill and watershed health programs. Please see her memo in the board packet for more details.

Garin Vorthmann gave an update on state affairs. In her memo, she summarized the last session with a lot of conversation on the Colorado River Drought Task Force. Recently, the executive committee chose the Langdon group as the facilitators of the Task Force, and the first meeting

has to be before July 31st. Additionally, Garin spoke to stakeholder meetings regarding potential legislation regarding dredging and filling. Please refer to Garin's memo for more information.

Steve Wolff talked about Proposition HH (SB23-303), which is a bill potentially affecting property taxes that could impact SWCD revenues. The bill has resulted in a proposition on November's ballot. If passed, it is unclear the overall impacts. Overall, the bill is hard to understand and SWCD staff and General Counsel will update the Board as soon as they know more.

Kevin Murphy with the United States Geological Survey (USGS) gave the board an update about the stream gauges throughout the District that are operated by USGS. Four water quality monitoring stations on the Animas are slated to end on September 30th. He requested that individuals reach out to him if they are interested in seeing them keep running.

15.0 Staff Reports

Monika Rock gave an overview of the 2024 SWCD grant program guidelines; specifically what changes had been made between the 2023 and 2024 guidelines. Topics that were discussed were insurance requirements, whether it is appropriate for an applicant's in-kind contribution to come from taxpayer-generated revenues, and current line items in the SWCD budget that may be better suited for consideration under the grant program. Staff and General Counsel recommended asking applicants this year if insurance would be a huge lift and seeing how insurance would work on a case-by-case situation. Please refer to the board packet for more information.

Charlie Smith motions to approve the 2024 grant guidelines. Rusty Hinger seconded the motion. The motion passed unanimously.

Steve Wolff gave the board an update on the 2022 Audit. We are behind due to issues with Quickbooks. Following this issue, we outsourced payroll. We will submit an audit extension letter to the State which will need to be signed by Jenny. Please refer to the board packet for more information.

Steve Wolff gave an overview of our current lease agreement and checked with the Board to see if they would like to continue the lease or have staff look for more options. Staff recommended staying in the building due to the proposed lease terms, space, and storage.

Monika Rock gave an overview of the Drought Summit she attended in Denver, see the board packet for more information.

Steve Wolff gave an update on current GM activities. Please refer to the board packet for more information.

Steve Wolff gave some updates on the Colorado River. This included the Colorado River NOI for the Post-2026 Guidelines, the Extended SEIS, and the Paradox Injection Well EIS (Salinity Control Program).

Monika Rock gave an update on the Tribal Water Media Fellowship - a grant that was given to Fort Lewis College. Please refer to the board packet for more information.

Steve Wolff gave an overview of the process currently underway in Division 7 to create measurement rules. Please refer to the board packet for more information.

16.0 Special Presentation

A special presentation was made by Adrian Bergere from the San Miguel Watershed Coalition.

18.0 Adjournment

Jenny Russell adjourned the meeting at 12:30 p.m.



President