

IBCC Colorado River Basin

January 22, 2024 CBRT Roundtable Minutes. Discussion of **hiring a CBRT program administrator**; request for letter of support for **landscaper training and certification**; request for letter to support **purchase of Shoshone 1,408 cfs water right**.

1. Upcoming Meetings & Deadlines.

- a. February 25, 2024 CBRT Next Steps Committee Meeting
- b. February 27, 2024 IBCC Meeting.
- c. March 25, 2024, CBRT Roundtable meeting.
- d. Colorado Water congress 1/31 to 2/2/2024

2. Recorder: These minutes were prepared by Ken Ransford, Esq., CPA, 970-927-1200, ken@kenransford.com.

3. Today's January 22, 2024, meeting was **conducted by Zoom and held in person at the Colorado River District Office**. A Zoom recording of this meeting is available at this link: <https://crwcd-org.zoom.us/rec/share/nlTqDEsVXieqCp0tEAkhNmKSAadtpygz-1DTISy8qcNzOE3q420jmVqENYZ1YCfkw.VYI5eekvNqD04a9y?startTime=1675103011000>

Password: 8Xg%@Tx0

4. **CBRT Roundtable Members Present:** TBD. An electronic list of the attendees was not available. Based on Ken Ransford's memory and notes of who spoke at the meeting, the following CBRT Board members and guests were present:

Roundtable members: Stan Cazier, Kristen Kurath, Brendon Langenhuizen Colorado River District, Merrit Linke Grand County BOCC, Kelly McNicholas Curry Pitkin County BOCC, Ken Ransford, Greg Williams Ute Water Conservancy

5. **Guests:** Peggy Bailey Blue River Watershed Council, Laura Belanger Western Resource Advocates, Ashley Garrett CWCB grant coordinator, Jeff Rodriguez CWCB, Lisa Tasker Pitkin County Healthy Rivers and Streams, Richard Vangytenbeek Colorado Trout Unltd.

6. Summary of decisions made at the meeting; more detail below on the discussion.

a. **There was no quorum** so actions were taken by consensus and followed up with an email vote of members that approved the slate of officers.

b. **Vote on CBRT officers for October 1, 2023 through September 30, 2024.**

Greg Williams nominated **April Long to serve as chair**, and Ken seconded the nomination.

Kirsten Kurath offered to serve as Vice Chair; Stan Cazier made a motion to approve Kirsten as Vice Chair, and Ken Ransford seconded it.

James Dilzell offered to serve as Second Vice Chair, and Ken seconded it.

Kirsten Kurath nominated **Ken Ransford as recorder**, and Peggy Bailey seconded it.

- c. The roundtable **discussed hiring a program administrator** to help administer the roundtable including updating the website, arranging meetings, and assisting the chair. **No action was taken.**
 - d. Laura Belanger of Western Resource Advocates requested a letter of support from the Roundtable for a CWCB grant request to investigate **developing a landscaper licensing program** in Colorado to increase use of water-smart landscaping. The Roundtable approved the letter of support by consensus.
 - e. Brendon Langenhuizen requested a letter of support for the CWCB to **approve a \$20m grant to purchase the Shoshone power plant water right**. The Roundtable approved the letter of support by consensus.
7. **River Forecast.** The Colorado River flows at the Dotsero gage is not available on January 22, 2024, because the gauge is ice affected.¹ The Colorado River is flowing **1,400 cfs at Cameo**, dropping from 1,580 cfs the day before, **below the median flow** of 1,510 cfs on this date.²
8. **CBRT November 23 Minutes were not approved** because there was no quorum.
9. **Discussion of Executive Committee and Program Administrator. Ken Ransford** discussed his proposal for an executive committee and a paid administrative assistant.
- a. How long would **committee members be on the committee? 4 years.**
 - b. The **current executive committee** includes:
 - i. April Long, Chair
 - ii. Kristen Kurath, Vice-Chair
 - iii. James Dilzell, Vice Chair
 - iv. Ken Ransford, Recorder
 - c. Greg Williams recommended continuity, stating that it is good to have a chair **serve as chair for longer than 1 year. Ken said this was possible** if the executive committee concurred and the **CBRT roundtable approved**. As explained below, **Art. V, Sec. 2 of the CBRT bylaws permit this.**
 - d. **Merritt Linke** said the Colorado River District has been providing huge administrative support, and he **supports hiring a program administrator**. A chair of a board would not normally have the duties that a program administrator

¹ Dotsero forecast: https://waterdata.usgs.gov/usa/nwis/uv?site_no=09070500.

² Cameo forecast: https://waterdata.usgs.gov/co/nwis/uv/?site_no=09095500&PARAMeter_cd=00065,00060

would take care of. Funding is key. The chair's role is quite different if there is robust program administrative support.

- e. **Jeff Rodriguez, CWCB**, recognizes the challenge of the volunteer nature of the roundtable. The recorder budget is \$6,500. This is to cover meeting minutes, getting agendas out, organizing the agenda, and supporting the chair. Ken Ransford receives \$200 to prepare each set of minutes, or \$2,000 per year, leaving about **\$4,500 to pay for a program administrator**.
 - i. Ken Ransford said **this is not enough money** to pay an administrator.
 - ii. PEPO budget of \$25,000 can also pay for some of this program support.
- f. Ken Ransford recommended that **each of the 6 counties in the CBRT roundtable contribute \$6,000 annually to raise \$36,000 for a program administrator (or \$42,000 if Gunnison County also participates)**. The other members of **the executive committee did not concur** and deferred discussion.
- g. The question was raised **whether the CBRT roundtable has legal status to hire a program administrator**. Ken Ransford questioned the legal basis for this concern and believes there is legal authority. His analysis of CRS statute authorizing the roundtables and the CBRT Bylaws supporting this position follows.

10. **CWCB Report, Jeff Rodriguez**

- a. **The SCPP System Conservation Pilot Program application window has closed**, comments on applications are due January 31. **Sign up on list to be notified of applications**. They are on the **Upper Colorado River Commission website**.
- b. **Climate Change in Colorado** report was released January 8, 2024. It updates the 2024 report and recent IPCC 5-year reports. See the interactive charts and maps on the CWCB website.
- c. **Colorado Open Soil Moisture and Monitoring Project**. Stakeholders including the Climate Center, Yampa Valley Sustainability Council, and CSU, are **inventorying soil moisture data around the state**. They have an **online survey**. They are trying to map all soil moisture sensors around the state, and where more are required. **Please take the survey or send it to interested parties**. See <https://waterinfo.org/wp-content/uploads/2024/01/IN-RICHES-Intro-Presentation.pdf>.
- d. **The CWCB is creating a Roundtable Member Guide** to explain resources available to roundtable members. They will start publicizing the guide this spring.

- i. February 27, 2024 IBCC meeting will be held in the Denver area, the first of three this year, the third will be the C-9 summit. See the CWCB Website for the agenda. This is a hybrid meeting, in person and virtually through Zoom. Becky Mitchell will chair the meeting.
 - e. **Wildfire Readiness Grant Program is still accepting grant applications.** They must be submitted by **12-31-2024**, the final grant deadline.
 - f. **2024 Water Congress. CWCB will release the urban landscape report, and also Volume 2 to the Turf Replacement Analysis.**
11. Commissioner Becky Mitchell is holding office hours at Colorado Water Congress, call her to take advantage of this.
12. **Request for letter of support for a grant application to develop a Water Wise Landscaper Certification program, presented by Western Resource Advocates, Laura Belanger.**
- a. **Colorado has no statewide landscaper irrigation certification** and professional training. **At least 10 other states** have this.
 - b. **Industry (62%) favor** a statewide certification program for this.
 - c. **82% of water providers also support** this.
 - d. **Two tasks:** (1) research **training and certification programs of other states**, including interviews with state officials administering the program; research state boards for similar licensing programs, and what would be required for certification; and (2) **stakeholder involvement**. How to reach green industry practitioners particularly on the West slope.
 - e. Laura Belanger is soliciting volunteers to join the steering committee.
 - f. Project partners: WRA is the lead, Colorado Water Center at CSU and CSU Extension.
 - g. **The total project cost is \$203,000**, and WRA is requesting a **Water Plan grant request for \$153,000 from CWCB**. Will meet Colorado
 - h. **Letters of support** have been received already from **the Denver Metro and South Platte Roundtables**. Laura submitted a letter of support to Jason Turner.
 - i. Merritt Linke asked what the certification objective is. Laura responded that they do not yet have an objective, such as developing a certification program and license, as **this is a fact-finding project**. Does this lead to a test or to trainings? **Homeowners see landscaping as a task anyone can do; how to you address the do-it-yourselfers? Merritt supports this**. Laura said there are **no Best**

Management Practice BMPs in Colorado, and this is a goal, both in the design and ongoing maintenance of outdoor irrigation.

- j. Ken Ransford made a motion for the Roundtable to provide the letter of support, and Merritt Linke seconded it. There was no objection to providing **the letter of support** and it **passed unanimously**.
 - k. **Lisa Tasker** asked if there was any interest in **attracting pollinators**. This results from suggesting **alternatives to blue grass**.
 - l. Colorado Springs is interested in this, and may be interested in pollinators.
13. Request for **letter of support for purchase of Shoshone Water Right** presented by Brendon Langenhuizen.
- a. The Shoshone non-consumptive water rights to produce power date back to **1902 for 1,250 cfs and 1929 for 158 cfs, for 1,408 total CFS**.
 - b. The **CWCB Board will vote on grant request on 1-29-2024 in Aurora for \$20m request for Non Reimbursable Project Grant**. The total acquisition cost is expected to be \$100m; the Colorado River District is putting up \$20m, other West slope stakeholders are putting up \$10m. Also looking for federal funding of \$49m from the Bipartisan Infrastructure Law (BIL).
 - i. The **CWCB approved the grant request at its January 29 meeting**.
 - c. Shoshone calls non-consumptive water right, which **leaves water both upstream and downstream of the Shoshone power plant**; it can account for **50% of the flow in the 15-Mile Reach** of the Colorado River upstream of the Gunnison River confluence.
 - d. **Several conditions** need to be met: 1. **All funding lined up**; 2. **Instream flow agreement** with Xcel Energy, the Colorado River District, and the CWCB to change water rights so that when the power plant is not operating, the flows can be used as an instream flow; go through **change case in water court**; Xcel needs **approval from Colorado PUC** Public Utilities Commission for the sale of these rights. The deadline for this is December 2027.
 - e. The Letter of support is to request the **CWCB to use severance tax revenue for this project**.
 - f. **Stan Cazier made a motion to approve the letter of support, and Merritt Linke seconded it**. Kelly McNicholas Curry said **Pitkin County will abstain** because its BOCC Board of County Commissioners has not established a position on this. The **letter of support was approved unanimously**.

- g. **Richard Vangytenbeek asked what the change case will do**—it would **add an alternative use to the purpose of the water right as previously decreed**. The plant will continue to operate, but this is a **long-term preservation of the water right**.
- h. **This agreement will not change the river volume**—there will be no water difference in water coming down the Colorado River or the Roaring Fork River. It will **make the Shoshone Outage Protocol permanent**. The **2007 call relaxation agreement** which permits Denver Water to hold back water in Dillon and Williams Fork Reservoirs and reduce the flow by 50% **will remain in place to the water right can be cut back to 709 cfs** when **Denver Water’s reservoirs** are projected to be **less than 80% full** or the Colorado River flow at the **Kremmling Gage is less than 85% of average**.
- i. The change case would be for an alternative use that is consistent with current Colorado law. The goal is to preserve the priority dates.
- j. The Colorado River District scheduled a January 25 Zoom workshop from 1:00 to 3:30 to discuss this.
- k. The hearing is scheduled for Jan 29, 2024, 12:20 PM, right after lunch. Brendon Langenhuizen, the Colorado River District representative to the Roundtable, recommended that CBRT members voice their support for this grant request. Jeff Rodriguez will send out a Zoom link.
 - i. Jeff recommended signing up ahead of time. People signed up go first. Jeff will send a link
- l. Under the 1902 and 1929 Decrees, the power plant calls for the water right at all times. The **Colorado River District board will own the water right**. The purpose of the **change case** is to **preserve and improve the environment**. Must show improvement. Dr. Ben Miller is studying the instream flow. Instream flow right will be for the same priority and amount, making it **the largest and one of the most senior instream flow rights in Colorado**.
- m. Shoshone Outage Protocol SHOP is not sustainable because the water to fund the releases during SHOP outage periods comes out of Green Mountain Reservoir. Under the Colorado River Cooperative Agreement, **Denver Water cannot bid for the Shoshone water right** against the Colorado River District; Colorado Springs, Aurora, or Northern Water could, but Denver Water cannot.
- n. There is no flume to measure the water at Shoshone; river flow is determined at the Dotsero gauge.