

The Southwestern Water Conservation District
841 E. Second Avenue, Durango CO 81301

NOTICE IS HEREBY GIVEN
A Regular Board meeting of the
Southwestern Water Conservation District
Town Hall, 455 Mountain Village Blvd.,
Mountain Village, CO 81435

Wednesday, July 12, 2023; 1:00 PM
&
Thursday, July 13, 2023; 8:30 AM

[Click here to join Zoom](#)
Phone Number: (346) 248 7799
Meeting ID: 835 9975 3537
Password: 474186

(NOTE: This meeting is taking place away from our Durango office. We will try and offer a zoom link, but we are unsure of the quality of the internet.)

Posted and Noticed July 10, 2023
Tentative Agenda

Public may attend the meeting in person at the location listed above or via Zoom using the connection information above. If you plan to attend in person, please RSVP to morock@swgcd.org to ensure adequate space will be available.

Please text 307-630-1396 if you have difficulty joining the Zoom meeting. Please raise your hand to be recognized by the chair. To raise your hand by phone, dial*9. To raise your hand by computer, please use Alt+Y (Windows) or Option+Y (Mac). To mute and unmute by phone, dial *6.

Except the time indicated for when the meeting is scheduled to begin, the times noted for each agenda item are estimates and subject to change. The Board may address and act on agenda items in any order to accommodate the needs of the Board and the audience. Agenda items can also be added during the meeting at the consensus of the Board.

Agenda items may be placed on the Consent Agenda when the recommended action is non-controversial. The Consent Agenda may be voted on without reading or discussing individual items. Any Board member may request clarification about items on the Consent Agenda. The Board may remove items from the Consent Agenda at their discretion for further discussion.

Wednesday, July 12, 2023

- 1.0 Call to Order – Roll Call, Verification of Quorum (1:00 PM)**
- 2.0 Review and Approve Agenda (1:01 PM)**

3.0 Approve and/or Remove Consent Agenda Items (1:05 PM)

4.0 Consent Agenda (1:07 PM) Page 5

- 4.1 Acceptance of Treasurer's Report (05/31/2023) *(prints available asap)*
- 4.2 Minutes: December Regular Board Meeting – December 7, 2022.
January Regular Board Meeting – January 17 – 18,
2023 Special Board Meeting - February 2, 2023 *(pending)*
Special Board Meeting - February 16, 2023
Special Board Meeting - March 2, 2023
Special Board Meeting - March 16, 2023
Special Board Meeting - March 30, 2023 *(pending)*
April Regular Board Meeting – April 12 – 13, 2023
Special Board Meeting - April 27, 2023
Special Board Meeting – May 31, 2023
Special Board Meeting – June 13, 2023 *(pending)*

5.0 Executive Session (1:10 PM)

- 5.1 Colorado River Interstate and Intrastate matters, including short-term operations, re-negotiation of the interim guidelines and ongoing water conservation efforts - Steve & Beth
- 5.2 Development of Division 7 Measurement Rules

6.0 Summary and Action Items from Executive Session (2:30 PM)

7.0 Questions and Comments from the Public (2:35 PM)

8.0 General Counsel Legal Report (2:40 PM) Page 36

- 8.1 Monthly Water Court Review for Water Divisions 3, 4, and 7
- 8.2 Update on the status of pending transmountain court cases
- 8.3 Update on recently released Colorado Supreme Court and U.S. Supreme Court Opinions

Break (3:00 PM)

9.0 Workshop Discussion: “Water Conservation Efforts in SWCD – Structure, Funding, & Legislative Needs” (3:15 PM) Page 45

- SWCD Water Conservation and Infrastructure Program proposal
- Community Navigator Postion
- Funding

Adjourn (5:00 PM)

Three or more board members may participate in a tour of Trout Lake after the regular meeting adjourns for the day.

Three or more board members may participate in a group dinner at Smuggler Union Restaurant in Telluride at 7:30 p.m.

Thursday, July 13, 2023

- 10.0 Call to Order – Roll Call, Verification of Quorum (8:30 AM)**
- 11.0 Review and Approve Agenda (8:32 AM)**
- 12.0 Questions and Comments from Audience (8:35 AM)**
- 13.0 Director Updates and Issues for Discussion (8:45 AM)**
 - 13.1 General Updates and Issues - Directors
 - 13.2 Montrose County – Kenny Heldman
 - 13.3 La Plata County – Amy Huff
- 14.0 Consultant Updates (9:30 AM) page 55**
 - 14.1 Harris Water Engineering – Carrie Padgett
 - 14.2 Water Information Program – Elaine Chick
 - 14.3 Water Quality Update – Peter Butler
- 15.0 Partner Updates (10:00 AM) page 77**
 - 15.1 Hydrologic Updates and Other Matters; Bob Hurford and Rob Genualdi – Division 4 & 7 Engineers, Division of Water Resources
 - 15.2 Upper Colorado River Commission – Chuck Cullom, Executive Director
 - 15.3 CWCB Grant Program – Laura Spann
 - 15.4 Ute Mountain Ute Tribe– Letisha Yazzie (Invited)
 - 15.5 CWCB Southwest Director & Southern Ute Tribe– Lorelei Cloud (Invited)
- 16.0 Legislative Updates (11:00 AM) page 83**
 - 16.1 Colorado General Assembly
 - 16.1.1 Interim Topics – Garin Vorthmann
 - 16.1.2 SB23-303; Proposition HH – Garin, Steve, & Beth
 - 16.2 Federal Affairs Update – Christine Arbogast
- 17.0 Staff Reports (11:30 AM) page 133**
 - 17.1 Colorado River Updates
 - 17.1.1 Colorado River NOI on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead
 - 17.1.2 Extended SEIS on Short-Term Operations
 - 17.1.3 Paradox EIS
 - 17.1.4 Update on Drought Task Force relative to SB23-295
 - 17.2 Review and Consideration of Proposed Revisions to SWCD Grant Guidelines
 - 17.3 Update on Payroll and 2022 Audit
 - 17.4 Update on Office Lease
 - 17.5 Drought Summit in Denver
 - 17.6 SWCD Letters
 - 17.6.1 Mineral Point Ditch Acquisition (6/20/23)
 - 17.6.2 BoR Request – IRA Phase Funding Solicitation Input (7/7/23)

- 17.7 Tribal Media Fellowship Update
- 17.8 Development of Measurement Rules for Water Division 7 (San Juan and Dolores River Basins)

18.0 Special Presentation (12:00)

“Update from San Miguel Watershed Coalition” - Adrian Bergere, Executive Director

19.0 Executive Session (if needed) (12:30 PM)

20.0 Announcements and Upcoming Meetings

- SWCD Budget Workshop – Thursday, September 14; 9:00 AM to Noon
(Zoom & In-Person?)
- SWCD Regular Board Meeting – Wednesday & Thursday, October 11 & 12
- SWCD Fall Water Connections Meeting - ???

Adjourn

14.0

Consultant Updates

HARRIS WATER ENGINEERING, INC.
954 EAST SECOND AVENUE, #202
DURANGO, COLORADO 81301
970-259-5322
carrie@durangowater.com

Memorandum
June 29, 2023

To: SWCD Board of Directors
From: Carrie Padgett
Subject: Engineering Report for the July 12 and 13, 2023 Board Meeting

The following is a summary of the topics Carrie Padgett worked on for SWCD since the last Board meeting, during the months of April, May, and June in 2023. For more background and detail please contact me.

San Juan and Upper Basin Endangered Fish Recovery Programs

I participated in multiple committee meetings in committee meetings in April, May, and June. The annual meeting of the program occurred on May 10 in Durango and was sandwiched between a Biology Committee and Coordination Committee meeting. Important highlights from these meetings include:

- A back water productivity study was conducted for the San Juan River. This study highlighted the benefits off channel habitats for razorback sucker, which spawn on the ascending limb of the hydrograph. While larval Colorado pikeminnow need low velocity habitat in the main channel because they emerge from spawning cobble bars on the descending limb. The Program is focusing on habitat improvements as one of the key factors in recovery of the species. Future projects will be proposed in the coming years that address improving, maintaining, and evaluating habitats for the two species.
 - Reclamation is investigating a potential floodplain habitat project near Bluff, UT.
- Fish continue to be trapped below the waterfall (confluence of Lake Powell and San Juan River) and translocated upstream. The Biology Committee continues to discuss how these fish could count towards recovery goals and what actions they may take to ensure sustainable populations within this river arm of Lake Powell.
- Last year show some of the lowest catches for Colorado pikeminnow however long term monitoring indicates that the species typically reproduces successfully in wetter years so it will interesting to see what results are obtained this summer.
- Population estimates for razorback suckers are about 2,500 adult fish in the system (based on small results from river miles 150 to 75).
- The National Park Service would like to become a member of the program. All committee members, besides representatives from Colorado and New Mexico, have approved this addition. The states are currently processing this approval through their administrative channels with the expectation of approval of this new membership. Additionally, the state Utah was also approved for membership and now how representatives on all committees.
- A preliminary draft of the Environmental Assessment (EA) for the Upper Colorado and San Juan Programs was released for comment by committee members. Our representatives

reviewed and provided comments. This EA will soon be released for public comment in the coming months.

- Post-2023 funding proposal and legislation continues to be worked on. Originally, the programs proposed a 15-year plan with a budget supported by all parties. Due to the current activities in D.C., programs may only be appropriated for eight years. The draft plan and budget are being modified to address this time frame with the understanding that the programs will be reauthorized in the future.

Summertime is a busy time for program participants as they are out in the field collecting data. The committees will host routine conference calls to approve next years work plan and budget with no in-person meetings planned until this fall and winter.

Navajo Reservoir

I attended the April 18 Navajo Reservoir Operations meeting. Due to the increase snowpack in early 2023, a spring peak release was conducted. Release began to ramp up on May 9 and reached a peak release of 5,000 cfs. This release flow rate continued for 21 days when the ramp down began on June 14. The ramp down was completed this week with a current release of 500 cfs. Following this spring peak release, summer release will continue as usual with the goal of maintaining target base flows through the critical habitat between 500 to 1,000 cfs. The next Navajo Reservoir Operations meeting is August 22.

Animas Watershed Partnership (AWP)

On April 25 I attended an Animas River stream management planning (SMP) meeting. The group of stakeholders discussed the draft goals and outcomes for scoping a stream management plan. The first half of the meeting was a presentation of the data gaps analysis. This analysis identified where data exists within the watershed for various uses and identified gaps in these data sets (i.e. no public water quality data relating to specific parameters). The second half of the meeting overarching goals plan and desired outcomes. I provided comments to the SMP team regarding additional data sources. No future meetings are scheduled, but I expect once summer is over the group will reconvene to begin drafting grant application(s) to implement the next phase of the SMP process.

06CW127 Case

I continue to provide technical support for this conditional water right. In recent months, I've reviewed proposed Notice of Intent forms and provide comments to Steve and the applicant.

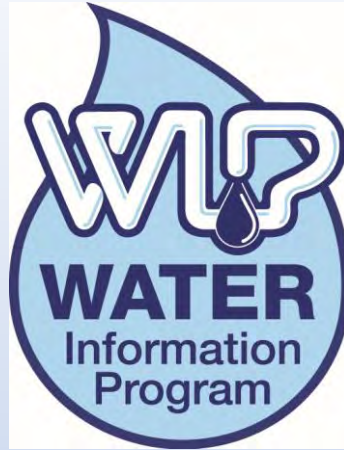


Elaine Chick – Water Information Program Update – July 12, 2023

- **Attached PDF of WIP Programs and Activities** – Please find attached a PowerPoint (converted to PDF) with detailed background on the Water Information Program (WIP). I thought this may be helpful for some of the newer SWCD board members to see the full spectrum of what WIP offers to our communities. I will briefly review this with you at the board meeting. For now, if you could take a few minutes to review the attached, I will fill in a bit more detail when we meet.
- **Forest to Faucets Teacher Training Program** – will be taking place August 3 – 4, 2023 in the Durango area. Please see the attached for more details.

SWCD

- **SWCD Annual Water Seminar** – It's time to start planning the 2024 SWCD Water Seminar. I checked with the Sky Ute Casino for availability the end of March and beginning of April for the board dinner, set-up of seminar and seminar event day. The only dates that are available are Thursday, March 28 (Board dinner and set-up), and Friday, March 29 for the seminar. They are booked all of April, we do have a 2nd hold on April 4 – 5, but it is questionable at this time. My recommendation to the board is to select the March 28 – 29 and confirm with the hotel. Please let me know what you would like to do. Thank you.
- **Children's Water Festival 2023** – See the attached update for more details.



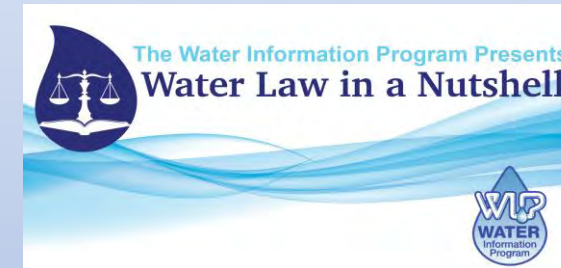
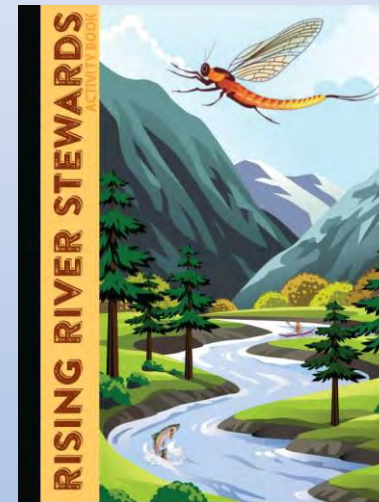
Water Information Program

Program Manager Update

July 12, 2023

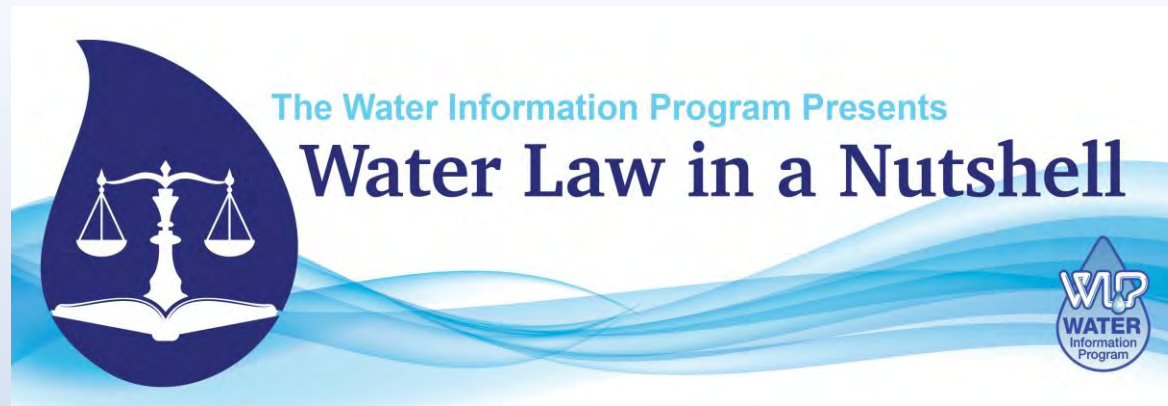
Programs & Events

- Produces the SWCD Annual Children's Water Festival
- Created (in partnership) and Published the Rising River Stewards Activity Book
- Present Multiple Water Law in a Nutshell Course – In-person and Virtual
- Produces the SWCD Annual Water Seminar
- Partner with MSI on the Annual Forests-to-Faucets Teacher Training Workshop
- SW Basin Roundtable PEPO Liaison
- Produced an educational video – Colorado's SW Basin: Our Forests and Rivers (view on the WIP website)
- Member of Colorado Water Educator Network
- Provides Brochures, Magazines and Information Pieces
- Lending Library; E-newsletter; Water Display
- Resource Website (www.waterinfo.org)
- **If you would like to sign-up for our e-newsletter you can sign-up today!**



Water Education today is dedicated to solving critical environmental challenges by teaching the world about water. Elevating students understanding about water is accomplished by engaging in meaningful learning. The Water Information Program does this by providing hands-on, science-based water education programs and resources to formal and non-formal educators in the Southwest Basin and beyond.





Following on the success of the five Water Law in a Nutshell courses in 2021 and 2022, WIP presented another full-day SOLD-OUT in-person Water Law in a Nutshell course presented on Oct. 26, 2022 at Ft. Lewis College.

We then presented another virtual Level 2 – Short Course for Realtors, January 19, 2023, with a record 63 paid in attendance. 45 realtors signed up for continuing education credit.

The evaluations sent in from participants were exemplary. I am looking at presenting another in-person course this September or October.

This course offered Continuing Education Credits for Lawyers, Realtors and Real Estate Assessors. Each course was presented by Mr. Aaron Clay, Attorney at Law and former 26-year Water Referee for the Colorado Water Court, Division 4. The Water Law in a Nutshell course covered all aspects of the law related to water rights and ditch rights as applied in Colorado. Subject matter included the appropriation, perfection, use, limitations, attributes, abandonment and enforcement of various types of water rights, and special rules for groundwater, public rights in appropriated water, Federal and interstate compacts and more.



SWCD' Southwest Water Seminar

Southwestern Water Conservation District's
39th Southwest Water Seminar

Seeking Common Ground in Crisis

March 31, 2023

Sky Ute Casino Resort – Ignacio, CO

Come join us for a full day of in-depth discussions on seeking common ground in securing a better water future for Coloradans.

REGISTRATION NOW OPEN



As you all know, this year we moved the seminar from the DoubleTree Hotel to the Sky Ute Casino Resort. This was a great move as we were able to accommodate more people, and a better venue overall.

I am happy to say that the SWCD Water Seminar was a success. We had approximately 270 people in attendance, the largest seminar to date. We provided 14 - Ft. Lewis students with complementary tickets, and we had 22 presenters, covering a variety of topics from Water Reuse, Seeking Common Ground Along the Colorado River, Lower and Upper Basins Food and Water Connection, Statewide and Regional Environmental Issues, to the Role of Media and Communication in a Water Crisis, during five panel discussions.

We had great feedback from the audience evaluation forms. Of the 77 survey respondents, 100% found the 2023 Annual Water Seminar useful or very useful. Someone wrote "It was great to see the diversity of panel topics and the high caliber of people who presented." We also received good feedback on other questions that were asked on the evaluations to take into consideration for the next seminar. We had positive feedback from the presenters as well.

Food and water: A future that is one and the same

Efficient use is conservation, say farmers at Southwestern Water

Conservation District's annual seminar

[By Reuben Schafir Herald Staff Writer](#)

Monday, Apr 3, 2023 5:48 PM

Colorado has regulations for gray water systems; La Plata County considering a new ordinance

[By Jim Mimiaga Journal staff writer](#) – Durango Herald

Tuesday, Apr 4, 2023



Roughly 300 attendees filled the event center Friday at the Sky Ute Casino in Ignacio. A panel on lower and upper basin agriculture and water featured, from left, Bart Fisher, Simon Martinez, Paul Bruchez and Robert Sakata. (Reuben Schafir/Durango Herald)



Water reuse was one of the panel topics at the Southwest Water Seminar last week at the Sky Ute Casino Resort. (Jim Mimiaga/The Journal)

We are grateful to the SWCD for their commitment to sponsor the 25th Children's Water Festival.



I am happy to say that this year WIP produced the Children's Water Festival, after a three year hiatus due to the pandemic, on May 10, 2023 at Ft. Lewis College. The festival was met with an overwhelming positive response from teachers.



SWCD Board Meeting Packet July 12 & 13, 2023



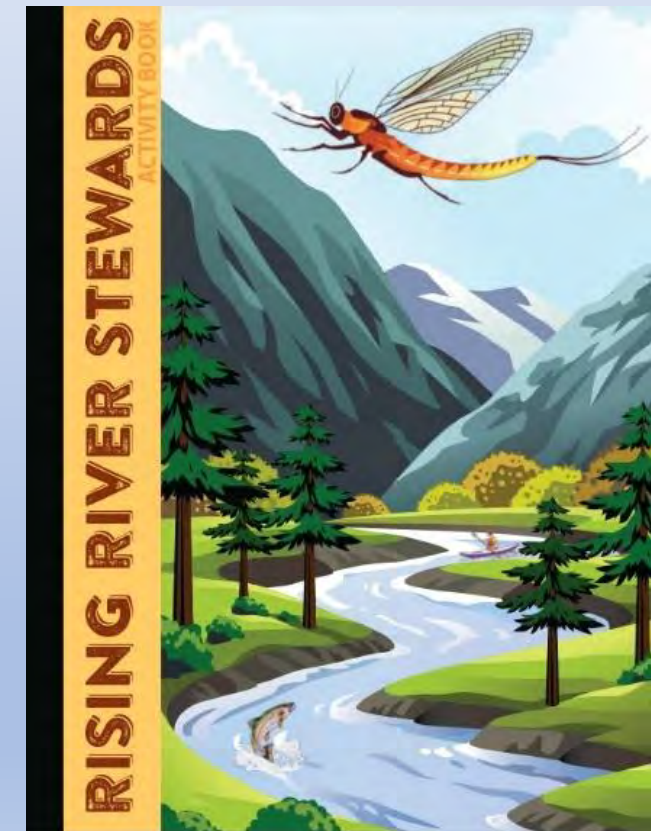
This year's Southwestern Water Conservation District's Children's Water Festival was held again at Fort Lewis College, and engaged 750 - 5th graders with exciting hands-on activities to teach them all about the importance of water! The presentations ranged from information and hands on activities about our local watershed, how much water is in our food, soil health, conservation, to the impact that our decisions have in conserving our natural resources for the ecosystem and watersheds around us.

After all of the recruiting of schools, teachers, and presenters, there were 18 schools, 36 classes totaling 750 students attending. Most of the schools arrived and departed at different times throughout the day. So, scheduling them is always quite a puzzle. There were 29 expert presenters with a wide variety of topics.

Rising Rivers Stewards Activity Book

The *Rising River Stewards* book was a huge success in 2022. 4500 books were distributed throughout our communities. Due to the success and high demand, we have just reprinted another 5000 books.

Like last year; WIP, The Powerhose Science Center, MSI, San Juan Mountain Association and the Animas River Keepers, presented an opportunity for all of the rafting companies to attend another launch of the book, as well as, educate the rafters about all of our organizations. We asked the rafting companies if they would distribute the Rising River Stewards book to all of the kiddos after their rafting trip, so they can further learn about the rivers and environment.





May 25

Animas River Party

at The Powerhouse

5:30pm-7:30pm

FREE BEER

FREE PIZZA

Come gather with local raft companies and conservation groups for this kick-off event of the summer river season!

Optional hands-on educational activities provided

RSVP-ing to sarah@powsci.org is appreciated!

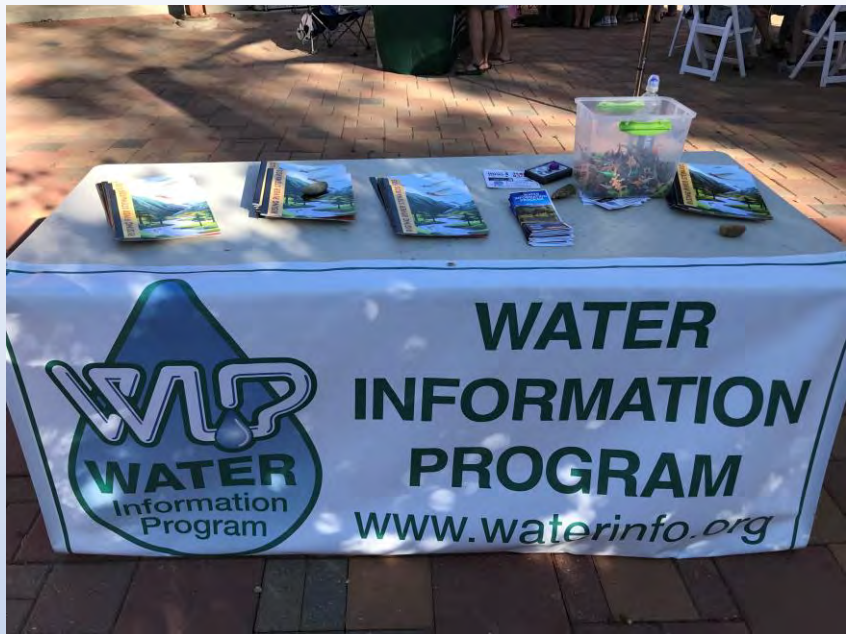
participating organizations:



*San Juan Mountains
Association*



SWCD Board Meeting Packet July 12 & 13, 2023



The *Rising River Stewards* book is filled with interactive activities for children to do with their families, to engage with our area rivers, including the Animas River, the Dolores River, and wherever they find their own river. The book provides directions to seek other area resources, such as field trips offered by the organizations that partnered together to bring this book to life.

The goal is for children to use this book to help them learn more about how to be a good steward of rivers, to take care of them as they take care of us, providing clean, life-giving water!

750 books were given out to each student who attended this year Children's Water Festival.

We continue looking forward to the *Rising Rivers Stewards* book reaching far and wide to help children enjoy our area rivers, while taking care of them.



FORESTS TO FAUCETS

My Water Comes from the San Juan Mountains Teacher Workshop

August 3 - 4, 2023 San Juan National Forest Headquarters
15 Burnett Court, Durango, CO 81302

8:00 to 4:30 each day

Join Mountain Studies Institute, Water Information Program, Fort Lewis College, and San Juan Mountains Association for this FUN two days of hands-on exploration of our local watersheds. Our investigations will be based on the *My Water Comes from the San Juan Mountains* book and curriculum guide.

A great way to get outdoors and find out about the resources available to you for field trips and place-based education and activities that address Colorado State Standards.

A great way to network with other teachers!

Program Includes

- Free 2-Day Workshop for K-12 teachers
- Hands-on classroom & field based activities that meet CO State Standards
- Field trips throughout the Animas Watershed
- Expert guest speakers
- My Water Teacher's Kit & Guide for your school
- Free lunch
- Includes 16 contact hours and certificate
- Optional 1 credit of continuing education available through Adams State University (add'l \$) upon completion of course and homework

TO REGISTER:

www.mountainstudies.org/foreststofaucets
or call 970-387-5161
(\$50 deposit refunded upon completion)



Made possible by:

Colorado Water Conservation Board, Colorado Alliance for Environmental Education, La Plata County, Montezuma Land Conservancy, Mountain Studies Institute, Water Information Program, Fort Lewis College, San Juan Mountain Association, the Community Foundation



I would like to welcome the City of Cortez as a new WIP Partner.

I gave a WIP presentation to the Animas Water Company's Board of Directors on March 28 and to the Animas La Plata Water Conservancy District Board on May 30th out in Marvel.



These are the water education programs and activities that your valued contribution goes towards!

Without the vital contributions of our partners and SWCD, we would be unable to provide this valuable community service and important educational programs in southwest Colorado.

Thank you for your contribution to support the WIP programs!



Questions?



Contact:

Elaine Chick

Water Information Program Manager

(970) 759-8818

elaine@waterinfo.org

www.waterinfo.org



15.0 Partner Updates

What is CWCB’s Water Plan Grant Program?

In a nutshell, the [Water Plan Grant Program](#) is state funding to advance the goals of the Colorado Water Plan. The program is divided into the following categories: Water Storage & Supply, Water Sharing Agreements, Conservation & Land Use Planning, Engagement & Innovation, Agricultural Projects, and Watershed Health & Recreation Projects. **Adding storage? Have a multi-benefit project? Lots of project partners, collaboration? An innovative or landscape-scale project?** It might fit well here.

Pro-tip: Have an idea? **Talk with the CWCB early on!** It may take 3-6 months to gather everything needed for a successful application so start now. CWCB is available to coach you.

Another pro-tip: Roundtable letters of support, while not required, add value to your application. If you want their consideration, the [Southwest Basin Roundtable](#) **requests the draft application and a draft letter of support two weeks prior to the meeting along with a presentation at a meeting.** As a last resort, the Roundtable may consider a letter of support if requested via email at least two weeks in advance of the CWCB application deadline.

Water Plan Grant Deadlines:

Roundtable Support (optional)	Application due to CWCB	CWCB Board Review
January or April meeting	July 1st	September
July or October meeting	December 1st	March

CWCB Contact: Laura Spann, laura.spann@state.co.us, call or text 720-916-7723
Southwest Basin Roundtable Chair: Ed Tolen, (970) 563-0320, etolen@laplawd.org

What is the Water Supply Reserve Fund?

In a nutshell, the [Water Supply Reserve Fund](#) is intended for basin projects that align with the Basin Implementation Plan and the Colorado Water Plan. Projects can be funded through basin funds and/or statewide funds, both of which **need Basin Roundtable approval.** **The statewide fund is great for aging infrastructure and drought resilience projects and basin funds can be used to address critical needs in the basin.**

WSRF Deadlines:

Application to Roundtable Chair	Presentation to Roundtable	Application Due to CWCB	CWCB Board Consideration
June	July meeting	Aug 1st or Oct 1st	Nov or Jan
September	October meeting	Dec 1st	March
December	January meeting	Feb 1st or April 1st	May or July
March	April meeting	June 1st	Sept

WSRF pro-tip: Have a project in mind? Talk to the CWCB and Roundtable early. You can get started by registering for an account in [CWCB's grant portal](#).

Southwest Basin Roundtable Chair: Ed Tolen, (970) 563-0320, etolen@laplawd.org
CWCB Contact: Ben Wade, 303-866-3441 x3238, ben.wade@state.co.us

We want to seek federal water funding but don't have the capacity.

Have some big needs but don't know where to start or how to manage the workload? CWCB is now considering grant applications for 1) [Local Capacity](#) to support your organization in hiring help to organize projects and apply for federal funding and 2) [Technical Assistance](#) to connect your organization with a CWCB contractor to help you prepare a federal grant request. **The deliverable for these grants is at least one federal funding application.** [Here's a comprehensive list of federal water funding opportunities.](#) **CWCB Contacts**: Michael Regan, michael.regan@state.co.us, (303) 866-3441 x3214

Grants aren't enough to address our needs. How about a loan?

The CWCB's Water Project Loan Program provides low-interest loans for the design and construction of agricultural, municipal (raw water), and hydro projects. A minimum loan request of \$100,000 is recommended. **CWCB Contact**: Matt Stearns, matthew.stearns@state.co.us, 303.866.3441 x3257

We want to get our watershed wildfire ready.

The [CWCB is now accepting grant applications](#) on a rolling basis to support development of [Wildfire Ready Watershed](#) action plans and implementation of projects designed to mitigate post wildfire impacts. **CWCB Contact**: Chris Sturm, chris.sturm@state.co.us, 303-866-3441 x3236

What about drinking water and wastewater projects?

The CWCB generally funds raw water projects, so if you have drinking water or wastewater projects in mind, we can connect you with representatives at the following agencies:

[Colorado Department of Local Affairs](#)

[Colorado Water Resources and Power Development Authority](#) (get on the eligibility list)

[Colorado Department of Public Health and Environment](#)

[USDA Rural Development](#)

This is overwhelming—where do I start?

It's a lot to take in. That's part of why the CWCB hired regional water plan grant managers—to help project proponents navigate our funding opportunities. **Please call, text, email or set up a visit.** If we don't know the answer, we'll ask the right person. The CWCB wants to advance water solutions statewide while this once-in-a-generation funding is available. If these opportunities don't meet your project needs, we are more than willing to assist in finding alternative grant programs. **Contact**: Laura Spann (based in Durango), laura.spann@state.co.us, 720-916-7723

Summary of Cost Data

Cost estimates of basin projects from the past and current Water Plan show a consistent need for about \$20 billion in funding—providing justification for ongoing funding needs for CWCB to help advance these efforts. However, only some of total funding need will come to CWCB. For example, not all of the potential projects identified (especially those that are conceptual) may advance, other grant funds (e.g., federal) may be pursued, and customer fees or private investment will fund a portion of the viable projects. Matching requirements for grants ensure that only a portion of the total costs funded through grants will be provided by CWCB (see Chapter 3 for an explanation of “Colorado’s Water Funding Needs”).

While it was not possible to identify every project necessary to meet Colorado’s future water demands, the work of the basin roundtables and stakeholders represents a large step forward in better understanding costs of potential future projects. The basin roundtables and stakeholders identified more than 1,800 potential future projects.

Project Costs Identified in the Basin Implementation Plans	
BASIN	COSTS OF POTENTIAL PROJECTS
Arkansas	\$3,636,800,000
Colorado	\$4,083,500,000
Gunnison	\$1,524,800,000
North Platte	\$6,400,000
Rio Grande	\$164,500,000
South Platte / Metro / Republican	\$9,869,500,000
Southwest	\$791,900,000
Yampa / White / Green	\$667,300,000
TOTAL: \$20,744,700,000	

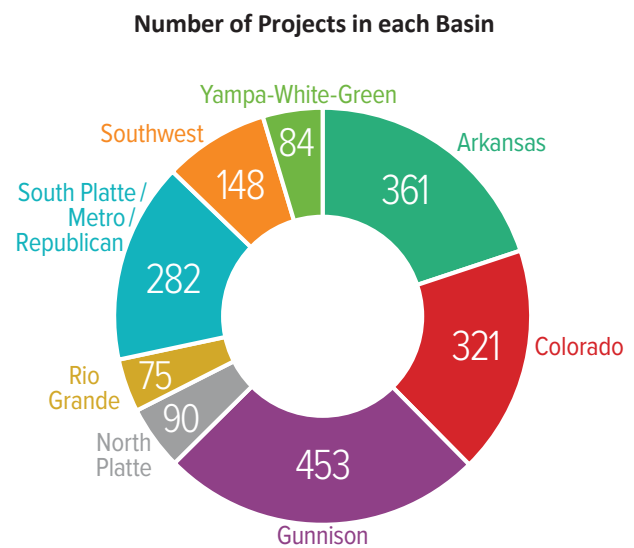
The CWCB promotes and plays a role in funding projects throughout the state. The State of Colorado does not build water projects, and instead partners with local water providers and stakeholder groups to develop and implement water projects. The CWCB provides funding in the form of grants and loans to entities like water providers, watershed groups, and ditch companies, who are the key stakeholders that develop water projects. More information on CWCB’s role in funding projects and funding challenges is in Chapters 3 and 5.

Access CWCB’s on-line Projects Database at [Project Database | Force.com](#)

Breakdowns of project data for each individual basin are in the BIPs

See the Basin Implementation Plans at:

[Basin Implementation Plans | Colorado Department of Natural Resources](#)



50% OF PROJECTS ARE MULTI-PURPOSE

While single purpose projects play an important role in meeting water needs, CWCB encourages collaborative projects that serve several purposes. Half of the projects identified in the BIPs are multi-purpose.

COLORADO WATER PLAN

The Water Plan needs you.

We meet our challenges together. All Coloradans are part of the solution; whatever your background, whatever your role.

Water connects us all.

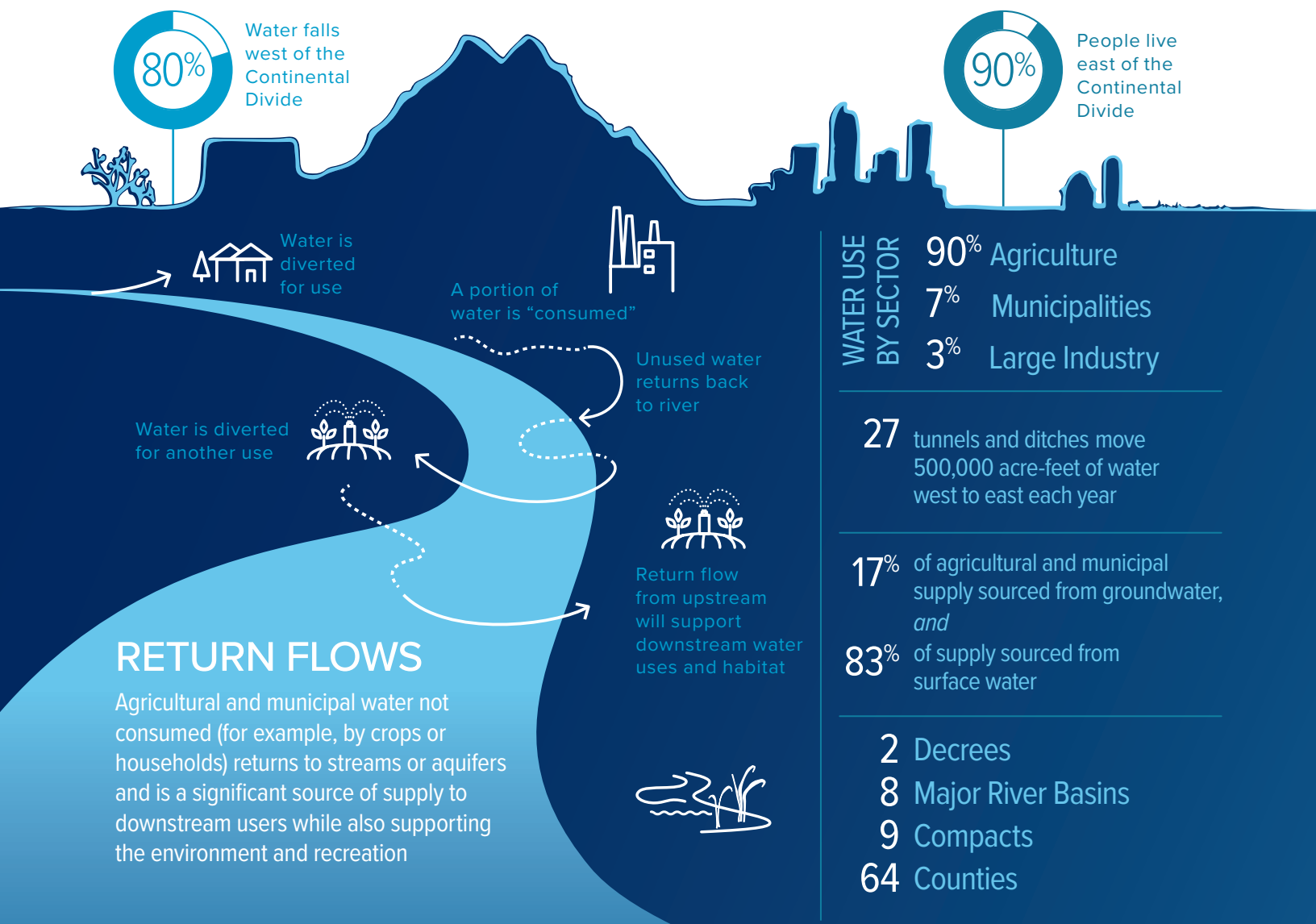
Nearly 6 million Coloradans across diverse cultures and geographies depend on the water from our major river basins.

Our water supply is at risk.

Population growth, long-term warming and drying trends known as "aridification," major wildfires, and multi-year droughts strain our system like never before.

The need for action has never been more urgent.

While Colorado faces enormous water challenges, we can address them if we act quickly and collaboratively.



THE WATER PLAN IS A BRIDGE TO ACTION

All Coloradans need to work together and take action to meet water challenges. The Water Plan identifies numerous local and state-level actions that advance Colorado’s vision for Vibrant Communities, Robust Agriculture, Thriving Watersheds, and Resilient Planning.

50 PARTNER ACTIONS

While the list of partner actions is limitless, the Water Plan describes about 50 ideas that could be supported by Water Plan grants.

THESE INCLUDE ACTIONS AROUND

- Increased personal conservation
- Starting a new water initiative/project
- Developing collaborative solutions

50 AGENCY ACTIONS

The Water Plan lists 50 actions CWCB and collaborating agencies will take to support local projects, conservation, and wise-water development.

THESE INCLUDE ACTIONS AROUND

- Developing frameworks and convening groups
- Advancing research and science
- Creating support tools

WATER PLAN GRANTS HELP FUND PROJECTS

The legislature created the Water Plan Grant Program categories for CWCB to fund local multi-beneficial water projects.



AGRICULTURE



CONSERVATION & LAND USE



ENGAGEMENT & INNOVATION



WATERSHED HEALTH & RECREATION



WATER STORAGE & SUPPLY

What can I do?

Everyone approaches the Water Plan from a different walk of life and perspective. For some people, solving water challenges is the focus of their career. For others, water simply supports their daily life. **Regardless of your perspective, water is essential for all of us, and we can all take some basic steps to support the call to action in the Water Plan:**

Learn More

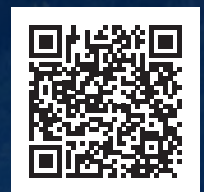
Learning more about water is a good first step and helps us better understand the complexities and wide variety of perspectives around water issues.

Take Action

All Coloradans can take action to meet our water challenges by implementing water conservation and efficiency strategies at home, buying water-wise products, and participating in public decision making.

Get Involved

All voices need to be heard. Coloradans can attend basin roundtable meetings, join local water-related stakeholder groups, work with local community leaders, and apply for grants that advance water projects.



COLORADO
Colorado Water Conservation Board

Department of Natural Resources

16.0

Legislative Updates

2023 Water Legislation Highlights

The 2023 legislative session began on January 9 and ended on May 8. Over the course of 120 days there were 617 pieces of legislation introduced.

In opening day remarks, Governor Polis and legislative leadership all included water as one of the top issues that the General Assembly was going to tackle during the session. Despite this, the water debate was quiet. Only two bills came out of the Water Resources Review Committee process over the interim, which is a small number compared to past years. The first, HB23-1010, was a bill to study high altitude water storage in the form of snow. This proposal was first presented by Representative Hugh McKean. Tragically, McKean passed away unexpectedly before the session began so when the bill was formally introduced there wasn't a legislative champion to pick it up and push forward and the bill was postponed indefinitely in January. The second bill was SB23-010 and changed the Water Resources and Agriculture Review Committee (WRARC) from an interim committee to a year-round committee. The year-round committee must meet a minimum of four times each year. The bill passed quickly through the process and Governor Polis signed the bill into law in early March. The WRARC met twice during the session to discuss matters related to stream restoration, interstate compacts and water quality standards.

One of the most controversial water bills introduced was SB23-270. This bill was brought forth by the Colorado Department of Natural Resources and the intent was to create a rebuttable presumption that a stream restoration project does not cause material injury to a vested water right. Despite months of stakeholder meetings conducted by DNR, the bill caused a lot of controversy. After more debate the bill was amended to be much narrower in focus and created a rebuttable presumption of no injury for minor stream restoration projects. If a water right holder believes a stream restoration project has caused material injury to their water right, they may challenge this rebuttable presumption by presenting evidence of the material injury in the appropriate division water court.

With only a couple weeks of the session remaining, perhaps the most anticipated piece of water legislation was introduced. SB23-295 created the Colorado River Drought Task Force. This Task Force is tasked with developing recommendations for legislation that will provide tools to address drought in the Colorado River Basin. The 17-member task force is comprised of representatives from state agencies, local governments, tribal representatives, water engineers, agricultural and environmental interests, and other stakeholders. The task force must also establish a sub-task force made up of Colorado tribes, the Department of Natural Resources, and other stakeholders to study tribal matters. Legislative leadership is currently in the process of making appointments to the Task Force, which must be done by June 30. Twelve meetings are authorized starting no later than July 31, and the final report must be released by December 15, 2023.

Water Resources and Agriculture Review Committee

Members:

- Senator Dylan Roberts, Chair (D-Eagle)
- Representative Karen McCormick, Vice-Chair (D-Longmont)
- Senator Jeff Bridges (D-Greenwood Village)
- Senator Nick Hinrichsen (D-Pueblo)
- Representative Mike Lynch (R-Wellington)



- Representative Matthew Martinez (D-Alamosa)
- Representative Barbara McLachlan (D-Durango)
- Senator Byron Pelton (R-Sterling)
- Senator Cleave Simpson (R-Alamosa)

The committee has only scheduled one meeting so far. The first meeting will be on August 22 in conjunction with the Colorado Water Congress Summer Conference in Steamboat Springs. CLS will continue to monitor the legislative calendar and will provide updates on future meetings and agenda topics.

SWCD

**Bill Tracking List
June 27, 2023**

Bill #	Position	Short Title	Sponsors	Most Recent Status	Fiscal Note
HB23-1125		Modernize Process To Obtain Water Well Information	M. Lukens (D) T. Winter (R) / C. Simpson (R) J. Marchman	3/31/2023 Governor Signed	Fiscal Note
HB23-1220		Study Republican River Groundwater Economic Impact	R. Holtorf (R) K. McCormick (D) / B. Pelton (R) R. Pelton (R)	6/3/2023 Governor Signed	Fiscal Note
HB23-1221		Water Quality Data Standards	M. Soper (R) T. Mauro (D) / C. Simpson (R)	5/11/2023 House Committee on Appropriations Lay Over Unamended - Amendment(s) Failed	Fiscal Note
HB23-1274		Species Conservation Trust Fund Projects	K. McCormick (D) M. Catlin (R) / D. Roberts (D) P. Will (R)	6/5/2023 Governor Signed	Fiscal Note
SB23-010		Water Resources And Agriculture Review Committee	J. Bridges (D) C. Simpson (R) / B. McLachlan (D)	3/10/2023 Governor Signed	Fiscal Note
SB23-057	Monitor	County Treasurer No Longer Ex Officio District Treasurer	J. Rich (R) / R. Taggart (R)	4/3/2023 Governor Signed	Fiscal Note
SB23-177	Support	2023 Colorado Water Conservation Board Water Projects Appropriations	D. Roberts (D) C. Simpson (R) / K. McCormick (D) M. Catlin (R)	6/5/2023 Governor Signed	Fiscal Note
SB23-178		Water-wise Landscaping In Homeowners' Association Communities	S. Jaquez Lewis (D) P. Will (R) / K. McCormick (D) M. Lindsay (D)	5/17/2023 Governor Signed	Fiscal Note
SB23-213	Oppose	Land Use	D. Moreno (D) / I. Jodeh (D) S. Woodrow (D)	5/6/2023 Senate Considered House Amendments - Result was to Laid Over Daily	Fiscal Note
SB23-262		Water Desalination Study And Report	K. Priola (D) K. Mullica (D) / N. Ricks (D) M. Soper (R)	5/11/2023 House Committee on Appropriations Lay Over Unamended - Amendment(s) Failed	Fiscal Note
SB23-270	Amend	Projects To Restore Natural Stream Systems	D. Roberts (D) C. Simpson (R) / K. McCormick (D) M. Catlin (R)	6/5/2023 Governor Signed	Fiscal Note
SB23-274		Water Quality Control Fee-setting By Rule	F. Winter (D) / R. Dickson (D) W. Lindstedt (D)	5/17/2023 Governor Signed	Fiscal Note
SB23-295	Amend	Colorado River Drought Task Force	D. Roberts (D) P. Will (R) / J. McCluskie (D) M. Catlin (R)	5/20/2023 Governor Signed	Fiscal Note



COLORADO LEGISLATIVE STRATEGIES NEWSLETTER

End of Session Report

May 15, 2023

Introduction

You made it! The First Regular Session of the 74th General Assembly is officially over. The 2023 legislative session was the fifth year of total control for Democrats in Colorado but it was their first year of near supermajority power, and let's just say the first four years went a little smoother. After the last election, Democrats controlled a whopping 69 percent of the seats in the legislature, up from 62 percent after 2020 and 60 percent after 2018. While more is always better in politics, that doesn't necessarily make it easier.

Coming into this session it was clear these dynamics would shift some things under the Gold Dome. Especially in the House, there was an increase in members representing the ideological extreme in both parties. Much of the growth in the Democrats ranks came from new, very liberal members, and some of the new Republicans were even more outspokenly very conservative.

Intra-party tension was a constant this session. Republicans showed it on the very first day when a far-right faction broke tradition and rebuked their own leadership in the vote for Speaker. Democrats showed it on the very last day when several far-left members of the caucus questioned their own leadership and strategy, including the desire for bipartisanship.

And of course tensions between the parties were always on display. Republicans, with few other options, often resorted to filibustering. Democrats then chose to use the rules to limit such tactics and that inflamed things even worse. In the end, the tension reached such a boiling point that the House Republicans walked out on the final votes of the session.

In a legislative equivalent of trying to take their ball and go home, the Republicans realized they didn't actually have a ball to take and just went home empty handed. It was an exciting little bit of drama, but in the end the only thing it achieved was causing them to lose a day of per diem because they got marked absent; the bill they were protesting still passed.

The 2023 session will be one for the history books, because well they always are, but this session had it all – late nights, weekends, liberal vs establishment Democrats, conservative vs establishment Republicans, the Governor still largely getting what he wants, and oh so many

bills. Now let's dive into some of the top takeaways and major issues from this session before going over what to expect from the legislature for the rest of the year. Plus, at the very end there is an appendix of all the major bills from this session broken down by category.

2023 Session Top Takeaways

There are several things to takeaway from the 2023 session. First and foremost is that legislative sessions in Colorado are a relentless beast. Over 600 bills, half of which came as late bills, were dealt with in just 120 days. Even in a world where leadership sticks to the deadlines, there aren't constant filibusters, and there aren't a slew of controversial bills introduced that bring out a ton of witness testimony, it would still be a busy session.

It's ironic that Democrats this session introduced a controversial "fair scheduling" bill and then leadership in both chambers proceeded to do the exact opposite. The House worked several weekends with little to no notice, late night debates and committee hearings became commonplace, and witnesses had to wait until midnight or later to be able to testify.

It certainly isn't *all* the Democrats/leadership's fault, the Republicans absolutely deserve some of the blame too. The "debates" at times strained credulity. The minority should always be given the opportunity to have their voice heard to be sure, but at a certain point the hours and hours of talking ceases to be about legitimate policy disagreements and becomes a straight up filibuster.

Which brings us to the next takeaway from this session, the rise of the filibuster and the use of the rules to limit the excess. It's often said that "the majority gets their way but the minority gets their say," which means the majority can mostly pass whatever they want over the objections of the minority but they might have to endure a long debate to get there.

Both parties have engaged in this tactic over the years. Heck, some Democrats even did it to their own party this session over policy disagreements. So while it's nothing new, this session the filibusters were taken to a whole other, more extreme, level by some Republicans.

And that leads to another takeaway from this session, the far-left response. Even in the face of filibustering in the past there was still a level of collegiality and a desire for bipartisanship. Now, however, particularly in response to a new dynamic duo of far-right Republicans, some far-left Democrats have said they don't think they should have to work with these Republicans.

The far-left's ire over this session isn't only directed at Republicans, it's also directed at their own leadership. Many of the new Democrats feel like leadership put too much emphasis on bipartisan support when voters overwhelmingly chose to put Democrats in power.

While there is a near supermajority of Democrats in the legislature, there is nowhere near a majority of far-left Democrats. The far-left is a large and growing faction within the Democrats' caucus, but there are also some moderates and a big chunk of Democrats are just traditional left, and not necessarily down with absolutely everything the far-left wants.

The killing of bills like rent control, just cause evictions, and the assault weapons ban (to name a few) and the slew of other controversial bills that were watered down with amendments are causing a lot of angst on the far-left. Expect some backlash over all this.

Which brings us to probably the biggest takeaway from this session, that it could have been a lot worse. Some of the bills at introduction were extreme policy shifts in terms of ideology. Many of the worst of those bills were killed and many others were substantially amended in response to the opposition.

You have to remember the political climate at the Capitol. Many expected that all of that stuff would sail through. Democrats had their largest majorities in history and were coming off four years of generally passing most things they wanted. But in large part because of moderate Democrats, and even regular old left Democrats who are more reasonable, and of course due to the tireless work of all those in opposition, the session ultimately turned out quite different.

2023 Session Major Issues

The 2023 legislative session was dominated by several major issues – broad topics that had many related bills. There are countless discrete issues we could discuss, but this is a newsletter and not a novella so we'll do a deeper dive into just six major issues from this session: business, environment, guns (and abortion), health, housing, and taxes.

Business

The Democrats came into this session wanting to further regulate business. After a slew of bills were introduced that were opposed by all kinds of different businesses, a general theme was emerging that it wasn't good to be a business owner in Colorado this session. However, businesses, associations, and chambers of commerce (plus others) rallied to oppose those bills.

One of the most exciting moments earlier in session was when the fair scheduling bill brought out local business owner after local business owner to detail how such a bill would hurt their business. The bill ultimately did not make it out of the first committee, and in the House no less!

Another exciting moment came later in session when a bill seeking to require unprecedented record sharing for gig-economy businesses (Instacart, Uber, etc.) finally came up for a final vote. After all of those companies brought forth significant opposition and pointed out all of the many flaws in the bill, the bill did not have enough support to pass despite a lot of pressure from labor interests.

Added to the mix was a bill to offer expanded unemployment benefits at a time when the Unemployment Trust Fund remains insolvent was killed and a bill that would have added nearly \$200 million in costs to the state's workers' compensation system never even got introduced because of opposition.

In addition to those bills that did not pass this session, there were also several bills that did pass but were significantly watered down. A bill making a significant expansion for the Consumer Protection Act had that section stripped from the bill. A bill that would broaden the definition of sexual harassment passed after negotiations produced several major changes. And a bill seeking to further regulate utility companies also passed with several amendments.

Environment

In terms of environmental issues, this session was supposed to be quiet in terms of further regulations on the oil and gas industry. Instead the focus was to be on capitalizing on the huge amount of money that the federal government is offering to incentivize new energy technologies

such as carbon capture, geothermal resources and hydrogen. There were multiple bills dedicated to these issues (three on carbon capture alone) that passed, albeit with more restrictions and sideboards than many industry experts believe are necessary.

But back to the theory that things would be quiet regarding oil and gas, not so much. There was a bill that would have prevented the industry from using fresh water, despite being a legal use under Colorado water law. That bill was significantly amended to create more reporting requirements for the industry to comply with and the creation of a consortium to study how to increase the use of water left over from the extraction of oil and gas. There was also a bill that would have allowed local governments and school districts to essentially stop the production of minerals in an area if they didn't want their mineral resources pooled with other interests. Proponents of tax credits to encourage the transition to a more electrically driven economy (think electric bicycles and heat pumps) changed the law about oil and gas severance taxes in order to pay for these tax credits. And finally, there was a bill seeking to significantly further regulate air quality permitting that was turned into an interim committee to study the issue without even the ability to introduce bills next session.

Guns

Democrats largely got exactly what they wanted on the issue of guns, although the minority made them endure long debates to get there. Democrats passed five big gun bills and lost one other gun bill, although that was the result desired by the Governor.

The bills that passed 1) added to who can request an extreme risk protection order, 2) raised the minimum age to purchase a firearm from 18 to 21 (with some exceptions), 3) created a three- day waiting period to purchase a firearm, 4) removed a prohibition on suing gun manufacturers, and 5) banned so-called ghost guns. All of those bills were highly opposed by Republicans but Democrats stuck together and got those bills across the finish line.

The one big bill that did not pass was a ban on assault weapons. This was a highly anticipated bill this session that Governor Polis threw cold water on from the beginning. That led the original bill sponsor to pull his name off the bill. The bill was ultimately introduced but waited for a long time for its first committee hearing (never a good sign) and was put down when that hearing finally occurred. Another bill on county regulation of firearm discharges also did not pass.

A separate, but somewhat related, issue is also worth mentioning here. The Democrats were also successful in passing all of the reproductive health bills that they wanted this session. Both guns and abortion dominated the middle part of the session as the length of "debate" stretched on for unprecedented amounts of time – literally all night in one instance. Filibusters were a major part of this session, and these two issues produced some of the longest filibusters.

Health

While not as front and center as prior sessions, Governor Polis continued his crusade to "save people money on healthcare" (you can now mark that on your bingo card or drink, whichever you are playing) by further regulating hospitals, insurers, and pharmaceutical companies.

Gigantic controversial bills from just a couple sessions had new bills this session to "update" and "modernize" them, even though they aren't even fully implemented yet. Those were the bills on the Colorado Option and prescription drug affordability board (PDAB).

However, the main target for Democrats and Governor Polis this session was hospitals. Despite the fact that many hospitals were in tough financial situations coming off the pandemic and were still trying to absorb all of the major changes from the last four years, hospitals were under assault from multiple angles. There were multiple bills dealing with transparency, a bill seeking to further regulate non profit hospital community benefit, and a full attack on vital facility fees.

The facility fee bill as introduced would have impacted healthcare in a catastrophic way. Facility fees pay for everything and everyone except the doctor – nurses, pharmacists, social workers (literally everyone caring for a patient other than the doctor) – and the bill sought to completely prohibit these vital fees in most circumstances. It's an example of what happens when legislators turn over their agenda to activist groups with little understanding of how things actually work. In the end, due to intense opposition the bill was amended to just study the issue.

Housing

One of the biggest issues this year was housing. It dominated from opening day speeches all the way to the last day of the session, and in the end it handed Democrats and Governor Polis some of their biggest losses of the whole session, and probably the biggest loss ever for Governor Polis.

There were several housing bills that did pass, but the most controversial died in spectacular fashion. Rent control died in its first committee hearing in the Senate and just cause evictions died on the Senate calendar. Both of those losses are particularly stinging for the far-left.

However, the most stinging loss for Governor Polis, and possibly his biggest loss ever as Governor, came on his humongous land use bill. The bill sought to interject the state into what has historically been local land use decisions. For local government officials this was tantamount to declaring war. Opposition came from all parts of the state. When very liberal cities and very conservative cities are in total lockstep opposition there's trouble afoot for the bill.

Governor Polis, uncharacteristically, completely misread the politics on this one. Like a lot of Democrats, he saw the new big majorities and figured he could do whatever he wanted, opposition be damned. He probably also thought that a lot of local government officials would capitulate to what he wanted. But when it comes to land use, messing with local control is a third rail in politics.

In order to get the bill through the Senate, the bill was largely gutted. This happens all the time on various pieces of legislation, and when that happens the second chamber usually begrudgingly goes along or at least goes to conference committee to iron out the differences. Well that isn't what happened with this bill.

The Democrats in the House, largely upset with many things the more moderate Democrats in the Senate did on several bills, said enough with going along. The House added back in many of the controversial items that had to come out to get the bill through the Senate. That set the House, the Senate, and the Governor on a collision course to figure out a compromise with only days left to do so.

On the final day of session they were trying to work it out (behind closed doors by the way) but they did not come up with a compromise that could pass both chambers. The lead sponsor ultimately said he pulled the plug when it was clear both sides were just talking past each other.

You could say the moderates killed the bill when they gutted it like their local government officials wanted, or you could say the liberals killed it when they refused to accept the Senate version (or at least some version of Senate plus a little), but either way you slice it – it was a huge loss for Governor Polis and some of the most dramatic news at the end of session.

Taxes

Lastly, the final big issue for this session was taxes. Just three days before the end of session, Democrats in the majority introduced a big bill on property taxes and one on TABOR refunds. Home values are rising at an astonishing rate and some kind of legislation addressing property taxes was expected. It just should have come much earlier in the session.

The bill puts a question on the November ballot that voters will have a chance to approve or reject. The measure comes with significant property tax relief, lower assessment rates, plus other changes to property taxes and the TABOR cap.

Contingent on the property tax ballot measure passing is another bill dealing with TABOR refunds. In order to boost the chances of that measure passing, Democrats are dangling equal TABOR refunds for everyone (estimated at \$661 each) that will only kick in if it passes.

Most controversially, the property tax relief will be partly paid for with TABOR refund money and will also raise the TABOR cap, in what many Republicans called a way to eliminate future TABOR refunds. Anger over the bill and the process ultimately caused the entire House Republican caucus to walk out on the final votes of the session. It's still unclear what Republicans got by walking out that they couldn't have gotten by just voting no. And don't expect the drama to end soon, this one will be debated all the way until November.

Legislative Activity For Rest of 2023

The General Assembly is only in session for 120 days, but the work continues over the legislative interim. Here is a quick preview of all of the interim committees that will hold hearings this summer and fall, and also some of the budget and election action coming up.

2023 Interim Committees:

Colorado Jail Standards – Commission & Legislative Oversight Committee

- Created by legislation in 2022 ([House Bill 22-1063](#)).
- Jail Standards Commission: Must recommend standards for the operation of jails and submit a report to the oversight committee by November 15, 2023.
- Legislative Oversight Committee for Colorado Jail Standards: Oversees the Jail Standards Commission and recommends legislation for the 2024 session.

Colorado Youth Advisory Council Committee

- Created by legislation in 2019 ([House Bill 19-1024](#)).
- Reviews the work of the Colorado Youth Advisory Council (made up of 14-19 year olds) and recommends legislation regarding issues affecting Colorado youth.

Colorado's Child Welfare System Interim Study Committee

- Created by a 2023 [legislative request](#) for an interim study committee.

- Reviews Colorado's child welfare system as a whole between the 2023 and 2024 legislative sessions and may draft up to five bills to address issues studied.

Colorado River Drought Task Force

- Created by legislation in 2023 ([Senate Bill 23-295](#)).
- Tasked with developing recommendations for legislation that will provide tools to address drought in the Colorado River Basin.
- The 17-member task force is made up of representatives from state agencies, local governments, tribal representatives, water engineers, agricultural and environmental interests, and other stakeholders.
- The task force must also establish a sub-task force made up of Colorado tribes, the Department of Natural Resources, and other stakeholders to study tribal matters related to the Colorado River Compact.

Legislative Interim Committee on Ozone Air Quality

- Created by legislation in 2023 ([House Bill 23-1294](#)).
- Reviews ozone air quality and factors that contribute to ozone pollution between the 2023 and 2024 legislative sessions. No ability to introduce interim committee bills.

Legislative Oversight Committee Concerning Tax Policy & Task Force

- Created by legislation in 2021 ([House Bill 21-1077](#)).
- Considers policies in the tax expenditure evaluations from the state auditor.
- The task force studies tax policies to develop policy recommendations for the committee.

Opioid and Other Substance Use Disorders Study Committee

- Created by a 2017 [legislative request](#) for an interim study committee.
- Studies prevention, intervention, harm reduction, treatment, and recovery support for substance use disorders and may draft up to six bills to address issues studied.

Recidivism Interim Study Committee

- Created by a 2023 [legislative request](#) for an interim study committee.
- Reviews aligning state agency definitions of "recidivism" when it's used to measure the success or failure of a program in criminal justice between the 2023 and 2024 legislative session.

Sales and Use Tax Simplification Task Force

- Created by legislation in 2017 ([House Bill 17-1216](#)).
- Studies the simplification of sales and use tax between state and local governments and reports annually to the legislative council.

Statewide Health Care Review Committee

- Created by legislation in 2019 ([Senate Bill 19-015](#)).
- Studies health care issues impacting Coloradans during up to two meetings over the interim.

Task Force for the Consideration of Facial Recognition Services

- Created by legislation in 2022 ([Senate Bill 22-113](#)).
- Considers the use of facial recognition services by state and local government agencies, and the extent that government agencies should be permitted to use facial recognition.
- Annually reports to the Joint Technology Committee.

Transportation Legislation Review Committee

- Originally created in 1953 and [periodically updated](#) over the years to address issues relevant to current transportation. Most recently updated in 2007.
- Reviews legislation related to transportation, traffic, and motor vehicles.

Treatment of Persons with Behavioral Health Disorders in the Criminal/Juvenile Justice Systems

- Expanded by legislation in 2022 ([Senate Bill 22-021](#)).
- Studies intervention and resiliency strategies for individuals at risk of involvement in the criminal justice system, as well as the intersection between behavioral health disorders and the criminal and juvenile justice systems.

Water Resources and Agriculture Review Committee

- Expanded by legislation in 2023 to be a year-round committee ([Senate Bill 23-010](#)).
- Studies issues related to Colorado water resources such as its conservation, use, development, and financing.
- Reports feedback on the Colorado State Water Plan to the Colorado Water Conservation Board.

Wildfire Matters Review Committee

- Created by legislation in 2013 ([Senate Bill 13-082](#)).
- Reviews prevention and mitigation of wildfires in Colorado.

Other Important Dates:

Economic & Revenue Forecasts (June, September, December)

The quarterly economic and revenue forecasts will next happen in June, September, and December. Each forecast is a projection based on the currently available data. Keep an eye out for updates on those and how it will impact the budget situation for the next session.

Elections (Denver Mayor runoff on June 6, Coordinated Election on November 7)

On June 6th, Denver will hold its runoff election for the next mayor. The race is between Kelly Brough and Mike Johnston. As a reminder, there were a couple state legislators who also ran back in April, but didn't receive enough votes to advance to the runoff election. Senator Hansen has endorsed Kelly Brough and Representative Herod has endorsed Mike Johnston.

Colorado's statewide election will be held on November 7th. Because of the last minute legislation passed by the legislature, this election will be dominated by debates around property taxes and TABOR refunds. Last time Democrats put a TABOR question on the ballot (2019) they lost. Only time will tell whether they will be successful this time around.

Conclusion

Lastly, thank you for being a CLS client – it's an honor to represent you at the Capitol! Whether it's your first or fortieth year as one of our clients, congratulations on making it through the session.

And thank you for reading all these newsletters... Watch out for newsletters with updates over the legislative interim.

Have a good summer!

Photo of the CLS team on the last day of session:



* Matching shirts on the last day of session is a CLS tradition. If you don't get the reference immediately, remember back to the Gwyneth Paltrow trial in Utah this year.

Appendix: Major Bills This Session By Category

CONTROVERSIAL BILLS THAT DIED

- [Senate Bill 038 Prohibit Equine Slaughter for Human Consumption](#) – As introduced, this bill would have made it a crime to engage in horse slaughter for human consumption. After the bill had significantly changed with amendments added in the Senate Agriculture and Natural Resources committee and on second reading, the bill was lost on an amendment to the Committee of the Whole report after second reading. ❌
- [Senate Bill 061 Eliminate State Assessment in Social Studies](#) – Would have eliminated the statewide assessment in social studies for elementary and middle school students. On the evening before the last day of session, the House laid the bill over until May 9th (the day after the General Assembly adjourned), effectively killing the bill. ❌
- [Senate Bill 098 Gig Work Transparency](#) – Would have placed transparency requirements on gig work companies such as Instacart, Uber, or Lyft. Although the bill was strongly supported by labor

unions, two Democrats joined Republicans in voting against the bill, and it was postponed indefinitely in the Senate Finance committee. ✘

- [Senate Bill 109 Criminal Penalty Controlled Substance Supplier](#) – Would have made it a level one drug felony for someone to illegally sell a drug that results in an overdose death. Although this bill had bipartisan sponsors and received bipartisan support in the Senate, it was postponed indefinitely in the House Judiciary committee. ✘
- [Senate Bill 201 Mineral Resources Property Owners' Rights](#) – Would have put new requirements in place for forced pooling practices within the Colorado Oil and Gas Conservation Commission. Although the bill sponsors attempted to negotiate with Democrat committee members, two Democrats joined Republicans in voting no, and the bill was postponed indefinitely in the Senate Agriculture and Natural Resources committee. ✘
- [Senate Bill 213 Land Use](#) – This was one of Governor Polis' biggest bills of the year and was meant to increase affordable housing. Originally, the bill called for state preemption of local government and land use policies, but it had a tough time getting out of the Senate and was amended to take out most of the state preemption language. When it went over to the House, Democrats added the state preemption language back into the bill. Because of the amendments added in the House, the bill needed to go back to the Senate for approval... with the very language that the Senate had taken out. After all day negotiations between the House, Senate, and bill sponsors, Senate Bill 213 couldn't beat the clock and died on the calendar. ✘
- [House Bill 1078 Unemployment Compensation Dependent Allowance](#) – Would have provided a dependent allowance to an individual who receives unemployment compensation and has a dependent. Although the bill was amended to push back implementation, it was postponed indefinitely in the Senate Business, Labor, and Technology committee. ✘
- [House Bill 1115 Repeal Prohibition Local Residential Rent Control](#) – The bill would have authorized local governments to enact rent control measures. Although the bill passed out of the House with amendments, one Democrat joined Republicans in the Senate Local Government and Housing committee in voting no on the bill, and it was postponed indefinitely. ✘
- [House Bill 1118 Fair Workweek Employment Standards](#) – Would have required employers to follow guidelines related to how often an employee works, when, and how long employees must rest in between shifts. After strong opposition from business groups, several chambers of commerce, and some of Colorado's most iconic small businesses, the bill was postponed indefinitely in the House Business Affairs and Labor committee. ✘
- [House Bill 1127 Customer's Right to Use Energy](#) – Would have prohibited a state agency or local government from restricting use of certain energy sources, particularly natural gas. The bill was postponed indefinitely in the House Energy and Environment committee. ✘
- [House Bill 1171 Just Cause Requirement Eviction of a Residential Tenant](#) – Would have prevented a landlord from evicting a tenant unless there was just cause for eviction. As introduced, the bill outlined what qualifies as "just cause," but was amended to only include no-fault evictions or when a property is unlawfully detained by a tenant. After hours of discussion from Republicans, the bill didn't make it out of second reading in the Senate and died on the calendar. ✘
- [House Bill 1202 Overdose Prevention Center Authorization](#) – Would have authorized local governments to operate safe injection zones. Although the bill made it out of the House, three Democrats joined Republicans in voting no on the bill in the Senate Health and Human Services committee and it was postponed indefinitely. ✘
- [House Bill 1230 Prohibit Assault Weapons in Colorado](#) – Would have prohibited an individual from manufacturing, purchasing, or selling an assault weapon. As introduced, the bill included a

broad definition of “assault weapon,” which was enough for four Democrats to join Republicans in voting against the bill. The bill was postponed indefinitely in the House Judiciary committee. ✘

- [House Bill 1302 Housing Accessibility](#) – Would have expanded accessible housing standards for existing housing structures and new construction projects. The bill was postponed indefinitely in the House Transportation, Housing, and Local Government committee. ✘

Agriculture & Water

- [Senate Bill 006 Creation of the Rural Opportunity Office](#) – Codifies the Rural Opportunity Office, which is responsible for coordinating rural economic development programs and initiatives, as well as developing policy recommendations for rural economic development. ✔
- [Senate Bill 255 Wolf Depredation Compensation Fund](#) – Creates the Wolf Depredation Compensation Fund to compensate landowners and agricultural producers for losses from wolf depredation. ✔
- [Senate Bill 256 Management of Gray Wolves Reintroduction](#) – Requires the state to obtain a federal 10(j) ruling prior to implementation of gray wolf reintroduction. The 10(j) ruling would allow for more state oversight of reintroduction, rather than federal oversight. ✔
- [Senate Bill 270 Projects to Restore Natural Stream Systems](#) – Creates a rebuttable presumption that minor stream restoration projects don't cause injury to a vested water right. The bill allows someone who holds a water right to bring evidence to challenge this if their water right is damaged as a result of a minor stream restoration project. ✔
- [Senate Bill 295 Colorado River Drought Task Force](#) – Creates the Colorado River Drought Task Force, which is responsible for developing policy recommendations to address the drought in the Colorado River Basin. ✔
- [House Bill 1011 Consumer Right to Repair Agricultural Equipment](#) – Requires an agricultural equipment manufacturer to provide resources to an individual who's repairing agricultural equipment made by that manufacturer. ✔
- [House Bill 1257 Mobile Home Park Water Quality](#) – Creates a new program to test water quality in mobile home parks only and requires park owners to conduct remediation if necessary. At introduction, the bill had much more draconian enforcement and was amended significantly. ✔

Business & Economic Development

- [Senate Bill 066 Advanced Industry Acceleration Programs](#) – Reauthorizes the Advanced Industry Acceleration Grant Program. Since the program was created in 2013, it has proven to be successful in attracting the development of advanced industries in Colorado. ✔
- [Senate Bill 143 Retail Delivery Fees](#) – Exempts small businesses with up to \$500,000 or less in sales from collecting the state's 27-cent retail delivery fee. The 27-cent fee comes from a 2021 bill that placed a fee on retail delivery to fund transportation projects. ✔
- [Senate Bill 161 Financing to Purchase Firefighting Aircraft](#) – Transfers money from the General Fund to the Colorado Firefighting Air Corps Fund to purchase a Firehawk Helicopter for improving wildfire response. ✔
- [House Bill 1192 Additional Protections in Consumer Code](#) – Broadens the Colorado Antitrust Act of 1992 and renames it the Colorado State Antitrust Act of 2023. The bill increases civil and criminal penalties for antitrust violations, and was amended in the Senate Judiciary committee to remove a section of the bill that would have increased consumer protection litigation. ✔

Courts & Law Enforcement

- [Senate Bill 168 Gun Violence Victims' Access to Judicial System](#) – Allows an individual to take legal action against a gun manufacturer if a gun produced by the manufacturer is used in an incident of gun violence. ✓
- [Senate Bill 169 Increasing Minimum Age to Purchase Firearms](#) – As introduced, the bill increased the minimum age to purchase a firearm from 18 years old to 21 years old. As amended, the bill instead increases the minimum age a person may possess a firearm from 18 years old to 21 years old. ✓
- [Senate Bill 170 Extreme Risk Protection Order Protections](#) – Expands Colorado's red flag law to include medical care providers, educators, and district attorneys. ✓
- [Senate Bill 249 False Reporting of Emergency](#) – Makes it a class six felony to falsely report a mass shooting or active shooter. This bill was introduced after several high school campuses across the state received threats of a mass shooting earlier this year, and the threats were found to not be credible. ✓
- [Senate Bill 279 Unserialized Firearms and Firearm Components](#) – Prohibits possessing or manufacturing a gun without a serial number, also called a "ghost gun". Although there was still heavy discussion, there wasn't nearly as much pushback on this bill from Republicans as other gun bills from earlier this year. ✓
- [Senate Bill 290 Natural Medicine Regulation and Legalization](#) – Provides direction for the regulation of psychedelics in the Department of Regulatory Agencies (DORA). This comes as a result of Proposition 122, which passed last year and allows for the legalization of certain natural psychedelics when used in a licensed facility. ✓
- [House Bill 1219 Waiting Period to Deliver a Firearm](#) – Establishes a three day waiting period after a background check is completed for an individual purchasing a gun. This was one of four bills from Governor Polis' gun violence prevention bill package. ✓

Education (K12 & Higher Education)

- [Senate Bill 205 Universal High School Scholarship Program](#) – Creates a scholarship program for students who graduate from a Colorado high school in the 2023-24 school year and plan to pursue postsecondary education or an apprenticeship program. ✓
- [Senate Bill 287 Public School Finance](#) – Funds K12 education through a formula and increased per pupil funding.
- [House Bill 1231 Math in Pre-kindergarten Through Twelfth Grade](#) – Increases resources for math education. The resources are geared toward students who are below grade level or struggling in math by making educator training programs more accessible and improving assessment tools for math achievement. ✓

Elections & Campaign Finance

- [Senate Bill 276 Modifications to Laws Regarding Elections](#) – Makes changes to Colorado's election laws by prohibiting an elected official from appearing in a taxpayer funded announcement or notice when that elected official is up for reelection. ✓

Energy & Environment

- [Senate Bill 016 Greenhouse Gas Emission Reduction Measures](#) – Allows the state to seek authority from the U.S. Environmental Protection Agency to regulate Class VI injection wells, which pumps and stores natural gas underground. ✓

- [Senate Bill 192 Sunset Pesticide Applicators' Act](#) – Coming out of recommendations from the Department of Regulatory Agencies, the bill extends the current statewide standard for pesticide regulation. To the dismay of environmentalists, the bill leaves out local control of pesticide regulation. At one point, bill sponsors attempted to put the local control provision into an amendment on [House Bill 1192](#), but it was quickly taken back out. ✓
- [Senate Bill 198 Clean Energy Plans](#) – Expands and enforces Colorado's clean energy plans by requiring electric utilities that submit a clean energy plan to demonstrate they're on track to achieve a 46 percent greenhouse gas emissions reduction by 2024, and an 80 percent reduction by 2030. ✓
- [Senate Bill 285 Energy and Carbon Management Regulation in Colorado](#) – Renames the Colorado Oil and Gas Conservation Commission to the Colorado Energy and Carbon Management Commission, and expands its authority to also regulate geothermal projects and underground natural gas storage. ✓
- [Senate Bill 291 Utility Regulation](#) – This bill came from the Joint Select Committee on Rising Utility Rates, which held three hearings early in the legislative session to address price spikes in utility rates. The bill originally required utility companies to absorb costs that would otherwise raise utility rates for consumers, but was amended to allow utility companies to spread these costs out over a five year period. ✓
- [House Bill 1134 Require Electric Options in Home Warranties](#) – Requires home warranty contracts to include coverage that would allow a homeowner to replace their gas-fueled appliance with an electric appliance instead. ✓
- [House Bill 1161 Environmental Standards for Appliances](#) – Updates and expands environmental standards for appliances and fixtures. At one point, the bill sponsors attempted to include local control of pesticide usage in the bill through amendments added in the Senate Transportation and Energy committee hearing. This was because local control of pesticide usage was left out of [Senate Bill 192](#), but the pesticide usage amendments were removed in the Senate appropriations committee. ✓
- [House Bill 1210 Carbon Management](#) – Creates a roadmap for carbon management. The bill also clarifies carbon management projects that are eligible for grant money. To no one's surprise, carbon management projects that involve oil extraction didn't make the list of eligible projects. ✓
- [House Bill 1216 Natural Gas Pipeline Safety](#) – As introduced, the bill would've required utilities to inspect gas meters every three years, rather than the federal requirement of every five years. Utility companies expressed this would increase staffing, which would increase utility rates, so the bill was amended to inspection every "three to five years". ✓
- [House Bill 1252 Thermal Energy](#) – Incentivizes transition to geothermal energy by expanding an existing grant program for new construction projects in heating and cooling. ✓
- [House Bill 1281 Advance the Use of Clean Hydrogen](#) – Regulates clean hydrogen production projects and offers grants to production companies that use hourly matching methods in producing green hydrogen. Because hourly matching could increase production costs significantly, Governor Polis agreed to sign a letter urging the Public Utilities Commission to reconsider the hourly matching requirement. ✓
- [House Bill 1294 Pollution Protection Measures](#) – As introduced, the bill placed more regulations on permitting procedures. After strong opposition from the oil and gas industry, the bill got scaled back to creating an interim committee without drafting authority. ✓

Fiscal Policy & Taxes

- [Senate Bill 303 Reduce Property Taxes and Voter-approved Revenue Change](#) – Refers a ballot measure to voters at the November 2023 election and changes. With voter approval, the bill

imposes a local government property tax revenue limit and reduces certain property assessment rates the treatment of property tax backfill payments. It also allows the state to retain a portion of excess state revenues and reduces TABOR refunds. ✓

- [Senate Bill 304 Property Tax Valuation](#) – specifies factors that assessors must consider when valuing property. ✓
- [House Bill 1290 Proposition EE Funding Retention Rate Reductions](#) – Refers a ballot measure to voters at the November 2023 statewide election to retain excess revenue collected from Proposition EE that otherwise would be refunded. ✓
- [House Bill 1311 Identical Temporary TABOR Refund](#) – Conditional upon approval of the ballot measure referred to voters in Senate Bill 23-303, this bill directs that TABOR refunds that would otherwise be paid in FY 2023-24 via the six-tier sales tax refund mechanism be instead paid in equal amounts to qualifying taxpayers. ✓

Health Care & Health Insurance

- [Senate Bill 188 Protections for Accessing Reproductive Health Care](#) – Protects individuals from out of state who come to Colorado for abortion or gender affirming services from being criminally charged in other states, and also protects physicians who provide those services. ✓
- [Senate Bill 189 Increasing Access to Reproductive Health Care](#) – Requires large-employer insurance carriers to cover abortion costs, beginning in 2025. ✓
- [Senate Bill 190 Deceptive Trade Practice Pregnancy-related Service](#) – Makes it a deceptive trade practice for a clinic to advertise abortion services if they don't offer abortion services. This is meant to address "pregnancy crisis centers," which provide pro-life resources instead of abortion services. ✓
- [Senate Bill 195 Calculation of Contributions to Meet Cost Sharing](#) – Prohibits insurance carriers from using accumulator adjustment programs, which are programs to limit how much a coupon or patient assistance program for a prescription drug can go toward a patient's out-of-pocket and cost-sharing requirements. The bill excludes drugs that have a generic equivalent. ✓
- [Senate Bill 252 Medical Price Transparency](#) – Requires hospitals to publicly post their Medicare reimbursement rates and relocates hospital price transparency and debt collection provisions in statute to be under the oversight of the Department of Health Care Policy and Financing. ✓
- [House Bill 1130 Drug Coverage for Serious Mental Illness](#) – Restricts state-regulated insurance carriers from requiring step therapy before covering drugs for serious mental illnesses. ✓
- [House Bill 1201 Prescription Drug Benefits Contract Term Requirements](#) – Prohibits insurance carriers or pharmacy benefit manager (PBM) from "spread pricing" practices, in which a carrier would charge a beneficiary more for a prescription drug than what the carrier originally paid to a pharmacy. The bill also establishes failure to comply as a deceptive trade practice. ✓
- [House Bill 1215 Limits on Hospital Facility Fees](#) – As introduced, the bill limited facility fees charged by hospitals to patients at off-campus hospital facility fees. The bill was amended significantly to just a study on hospital facility fees. ✓
- [House Bill 1224 Standardized Health Benefit Plan](#) – Expands on the original Colorado Option legislation from 2021 ([House Bill 21-1232](#)) by making it easier for individuals to enroll in a standardized plan. ✓
- [House Bill 1225 Extend and Modify Prescription Drug Affordability Board](#) – As introduced, the bill significantly expanded the eligibility criteria for a drug to undergo an affordability review and allowed the board to set unlimited upper payments, rather than twelve per year upper payments limits, which was established in [Senate Bill 21-175](#). After negotiations with the pharmaceutical

and bioscience industries, the bill was amended to narrow the eligibility criteria and limit the board to eighteen upper payment limits per year. ✓

- [House Bill 1226 Hospital Transparency and Reporting Requirements](#) – Increases information a hospital must disclose related to revenues and expenditures to the Department of Health Care Policy and Financing. ✓
- [House Bill 1243 Hospital Community Benefit](#) – As introduced, the bill would have required nonprofit hospitals to spend a certain amount of money on investments in the community, and outlined what does or does not qualify as an acceptable investment. The bill was amended to require nonprofit hospitals to provide more detailed reporting on what is spent on different categories of community investments. ✓

Housing & Local Government

- [Senate Bill 184 Protections for Residential Tenants](#) – Limits the financial information a landlord may request from a prospective tenant during the rental screening process related to a tenant's income, and limits a security deposit charged by a landlord to two months of rent. ✓
- [House Bill 1095 Prohibited Provisions in Rental Agreements](#) – Prohibits a landlord from including certain provisions in rental agreements related to a tenant waiving litigation rights and extra fees other than monthly rent payments. ✓
- [House Bill 1120 Eviction Protections for Residential Tenants](#) – Requires a mediation between a tenant and a landlord before eviction if the tenant receives government financial assistance. ✓
- [House Bill 1190 Affordable Housing Right of First Refusal](#) – As introduced, the bill would have given local governments a right of first refusal on multi-family housing property that goes up for sale. Amendments added in the Senate narrow the criteria a property would have to meet for local government to have the right of first refusal. ✓
- [House Bill 1254 Habitability of Residential Premises](#) – As introduced, the bill would have expanded conditions covered under the warranty of habitability to include conditions related to water, fire, and natural disaster caused damage. The bill was amended to just include damage from an “environmental public health event,” and clarify responsibilities of the landlord in the event of damage from an environmental public health event. ✓
- [House Bill 1255 Regulation Local Housing Growth Restrictions](#) – As introduced, the bill would have enacted state preemption of local government restrictions on growth of residential housing. The bill was later amended to soften the language around the state preemption piece, allowing local governments to keep restrictions on growth if they have developed their own land use plans for residential development. ✓

Labor & Employment

- [Senate Bill 017 Additional Uses Paid Sick Leave](#) – Expands when an employee may use paid sick leave to include caring for a family member when that family member's school or place of care has an unexpected closure, an unexpected evacuation of an employee's residence, and to attend funeral or memorial services. ✓
- [Senate Bill 058 Job Application Fairness Act](#) – Prohibits an employer from inquiring about the age of a job applicant, including an applicant's birthday, dates an applicant attended an academic institution or year an applicant graduated. However, an amendment was added in the House to allow employers to request transcripts from an applicant, and the applicant would have the option to retract the dates on their transcript. ✓
- [Senate Bill 105 Ensure Equal Pay for Equal Work](#) – Reinforces provisions laid out in [Senate Bill 19-085](#), which adds requirements for employers looking to hire. The bill received pushback from Republicans, with concerns that Colorado would be excluded from out of state companies' hiring

processes because of provisions requiring a salary range included in a job listing. Although Governor Polis requested an exemption be added for remote work, this amendment was not added. ✓

- [Senate Bill 172 Protecting Opportunities and Workers' Rights Act](#) – As introduced, the bill would have expanded the definition of workplace harassment by removing the current standard in which an action must be “severe or pervasive” to constitute harassment. Following pushback from the business community claiming the bill would open the door for an increase in lawsuits, the bill was amended to narrow the new definition of harassment and reinforce compliance requirements for businesses. ✓



COLORADO LEGISLATIVE STRATEGIES NEWSLETTER

Governor Bill Signing/Vetoes

June 7, 2023

Since the end of session, the Governor has been on the traditional bill signing tour. The Governor has signed numerous bills and over 40 different locations around the state. Bill signings always have their little pomp and circumstance, but the more interesting news are the bills that were signed with a signing statement and those that were vetoed.

There were ten bills that the Governor signed with a signing statement, which allows the Governor to throw a little shade (concerns about the bill) and share other thoughts or actions. For example, the HB23-1311 signing statement makes clear that any long-term change to TABOR refund mechanisms must include income tax reductions, in his opinion.

Lastly, the moment you've been waiting for – there were ten bills that the Governor vetoed. Some were expected, for example everyone knows where the Governor stands on wolves. And others further exacerbated some of the tensions between the new large majority of Democrats and the Governor, like HB23-1190 on a local government right of first refusal for multi-family housing. And of course (like prior years) some others were just too much regulation for this Governor.

Bills Signed with a Signing Statement (Link to Signing Statement)

- [Senate Bill 028 Penalty for Commercial Vehicle Offenses](#)
- [Senate Bill 088 Sentence Served Before Parole and Notify Victim](#)
- [Senate Bill 111 Public Employees' Workplace Protection](#)
- [Senate Bill 184 Protections for Residential Tenants](#)
- [House Bill 1100 Restrict Government Involvement in Immigration Detention](#)
- [House Bill 1120 Eviction Protections for Residential Tenants](#)
- [House Bill 1130 Drug Coverage for Serious Mental Illness](#)
- [House Bill 1294 Pollution Protection Measures](#)
- [House Bill 1281 Advance the Use of Clean Hydrogen](#)

- [House Bill 1311 Identical Temporary TABOR Refund](#)

Bills Vetoed (Link to Veto Letter)

- [Senate Bill 060 Consumer Protections in Event Ticket Sales](#)
- [Senate Bill 256 Management of Gray Wolves Reintroduction](#)
- [Senate Bill 259 Extension of Credit for Limited Gaming](#)
- [Senate Bill 273 Agricultural Land in Urban Renewal Areas](#)
- [House Bill 1146 Employees May Accept Cash Tips](#)
- [House Bill 1147 Driver's License Examination Reimbursement](#)
- [House Bill 1190 Affordable Housing Right of First Refusal](#)
- [House Bill 1214 Procedure to Apply for Commutation of a Sentence](#)
- [House Bill 1258 Drug Crime Cost Task Force](#)
- [House Bill 1259 Open Meetings Law Executive Session Violations](#)



COLORADO LEGISLATIVE STRATEGIES NEWSLETTER

June Economic & Revenue Forecast

June 20, 2023

Introduction

As the seasons change so do the economic and revenue forecasts. Tomorrow is the summer solstice, but today was the presentation of the June economic and revenue forecasts. The quarterly ritual brings Legislative Council Staff (LCS, non-partisan economists for the General Assembly) and the Office of State Planning and Budgeting (OSPB, the Governor's economists) in front of the Joint Budget Committee (JBC).

Before we dive into all the numbers and projections. Since economists try to be precise, the summer solstice – the moment when the north pole has its maximum tilt towards the sun – will occur in Colorado around 8:57 am on Wednesday, June 21. Perfect timing now that the sun is (generally) shining again in Colorado. Anyone reading this newsletter from a fabulous vacation in the southern hemisphere will instead experience the winter solstice, when the south pole has its maximum tilt away from the sun.

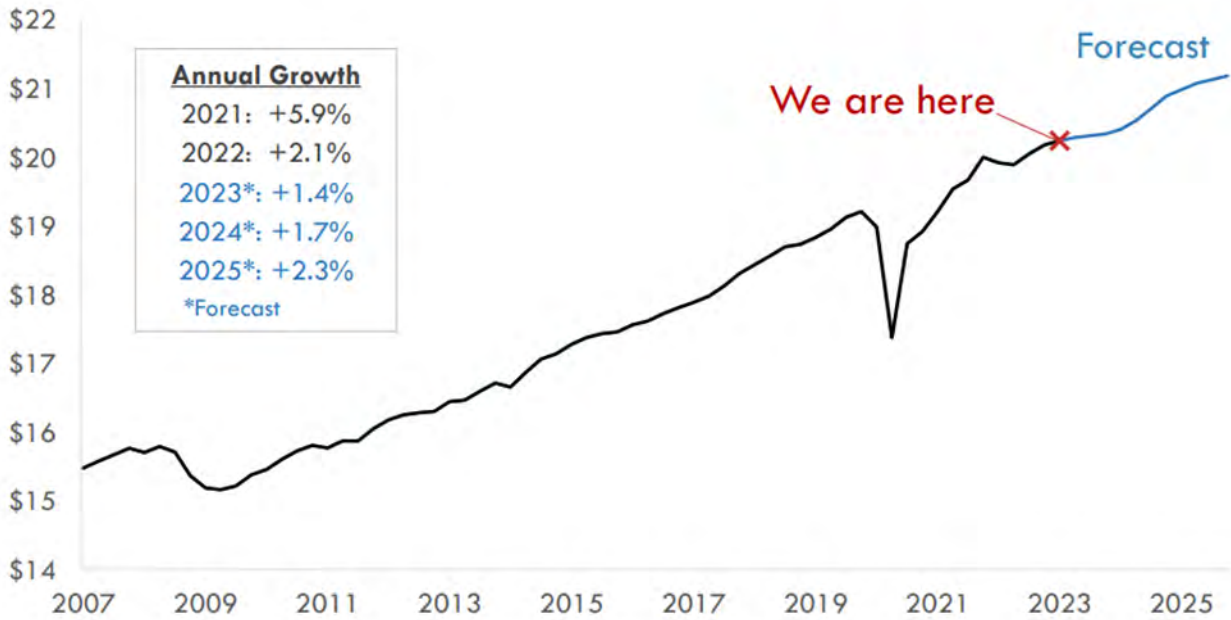
Now that you know a little more about the solstice, let's go over what the forecasts had to say about the overall economic outlook in the US and Colorado and the specific revenue/budget outlook in Colorado.

Economic Outlook

Similar to the March Economic and Revenue Forecast, slow but positive economic growth is anticipated through 2023. It's expected that this expansion will pick up to a more moderate pace in 2024 and 2025. The projected economic growth suggests that the possibility of a recession is still a consideration, but the risk of a recession is now projected lower than in March.

The chart below forecasts 1.4 percent growth in 2023, which is a slight increase from the March forecast, and 1.7 percent and 2.3 percent growth in 2024 and 2025, respectively.

Real U.S. Gross Domestic Product
Trillions of Dollars, Adjusted for Inflation



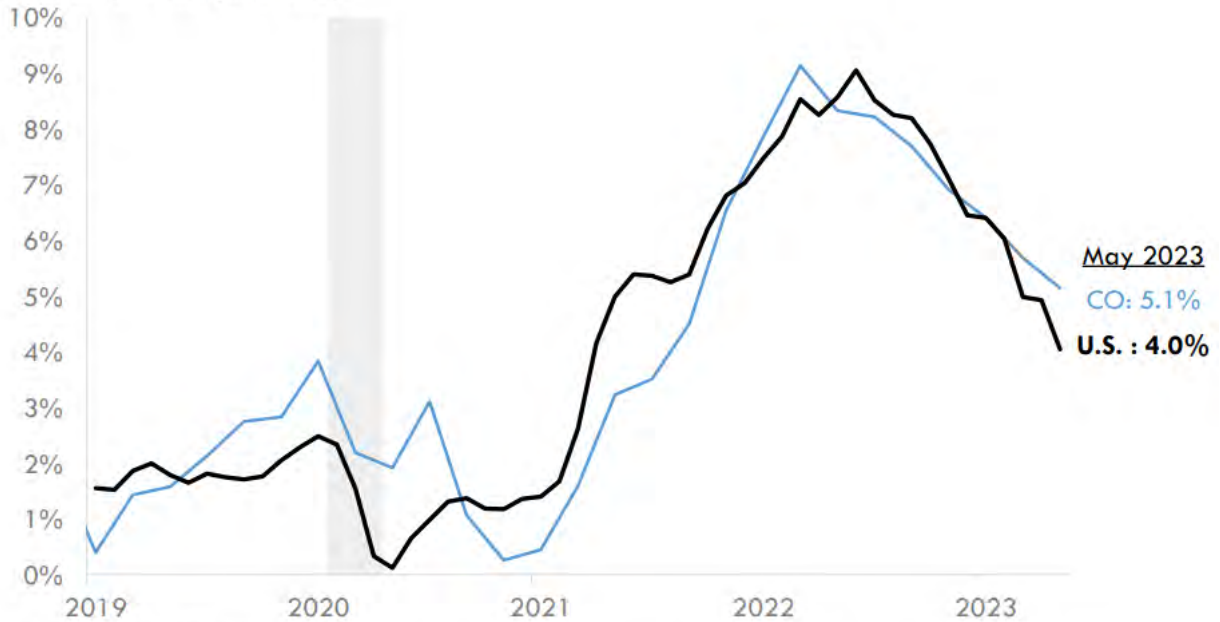
Source: U.S. Bureau of Economic Analysis and Legislative Council Staff June 2023 projections.
 Real GDP is inflation-adjusted to chained 2012 levels and shown at seasonally adjusted annualized rates.

Colorado’s unemployment rate is lower than the national average, but employment growth is beginning to slow down. However, personal income has seen consistent growth and debt levels have stayed relatively normal despite high household spending.

Colorado’s inflation is starting to slow down, but it’s still significantly higher than the national average. Energy and transportation costs have eased, but pressure from housing costs are now the largest driver of inflation in Colorado. However, wage growth has started to outpace inflation and data suggests home prices are starting to stabilize.

Headline CPI-U Inflation

Year-over-Year Change in Prices



Source: U.S. Bureau of Labor Statistics.

Inflation is calculated as the growth in urban area prices in a given period relative to the same period in the prior year. Colorado inflation is measured using prices in the Denver-Aurora-Lakewood metropolitan area.

Overall, the economic outlook in both forecasts continues to show slow but positive growth. Consistent inflationary pressures remain a risk to the forecasts, although it's beginning to slow down.

Revenue Outlook

While both forecasts were mostly in line with their economic outlook, the OSPB forecast projected more of an economic slowdown, especially in fiscal year 2023-24, and that has big impacts on the TABOR refund projections – a difference of about \$1.5 billion in potential refund obligations!

First, the chart below shows LCS's general fund revenue projections and the changes relative to the March forecast. After a historic increase of 23.7 percent in 2021-22, the forecast shows flat general fund growth this year and just 0.4 percent growth next year, and then 4.5 percent growth in the out year.

Gross General Fund Revenue

Billions of Dollars

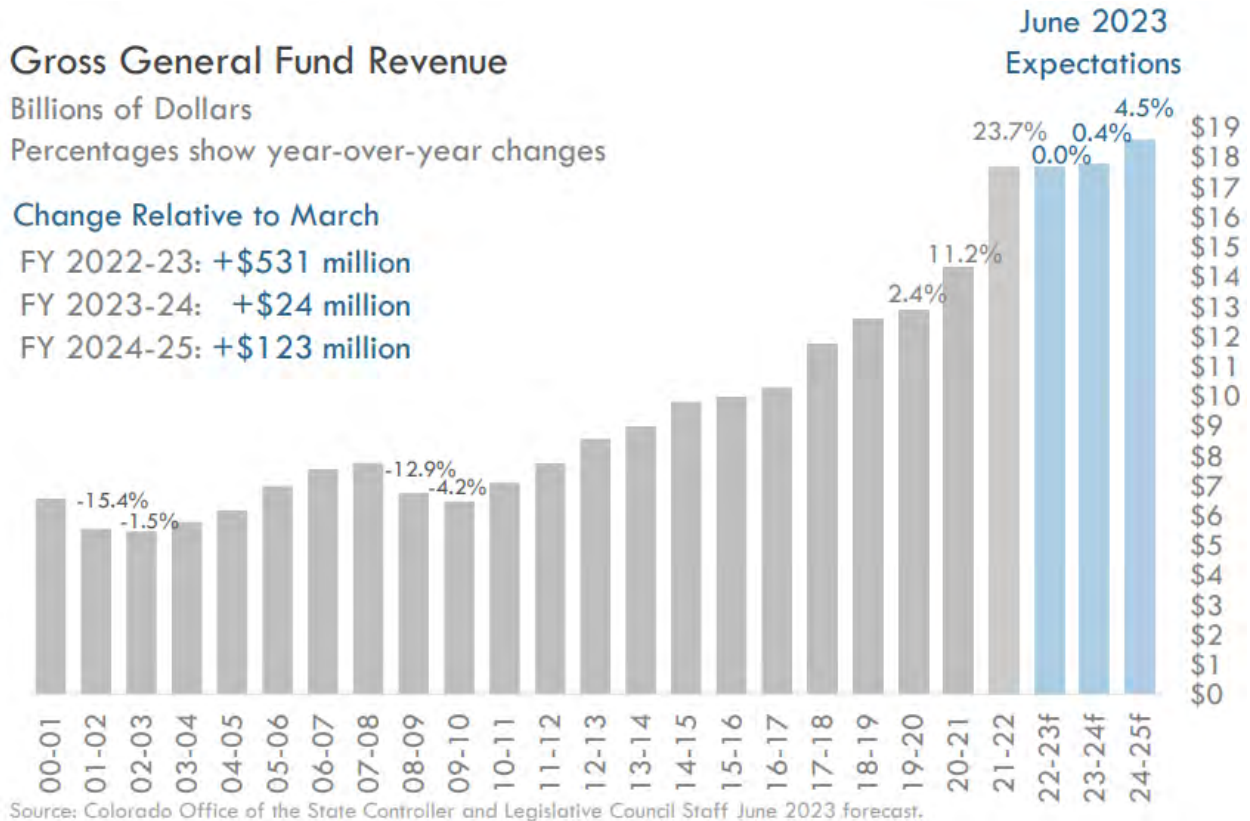
Percentages show year-over-year changes

Change Relative to March

FY 2022-23: +\$531 million

FY 2023-24: +\$24 million

FY 2024-25: +\$123 million



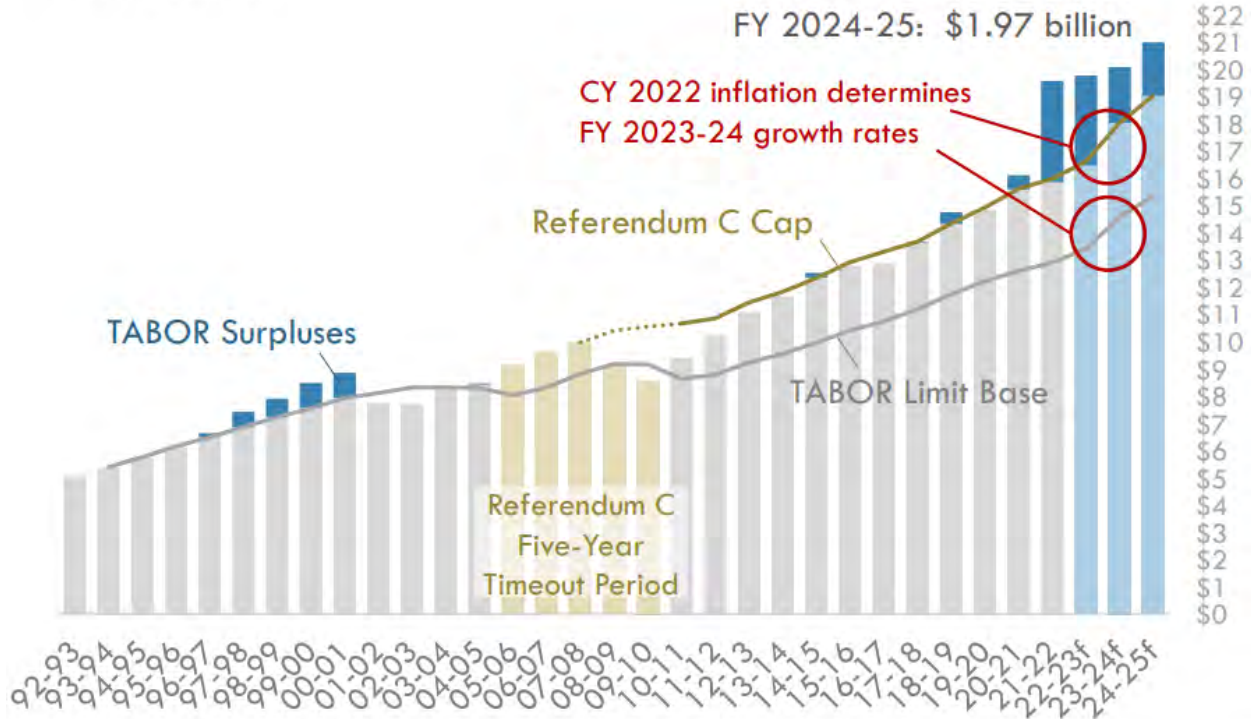
However, in a state with TABOR (the taxpayer bill of rights, which constrains the growth in government spending), the gross general fund revenue doesn't tell the whole story. We continue to be well above the TABOR cap even though the cap increased significantly due to prior high inflation (see the top red circle in the chart below). For fiscal year 2021-22 there was a historic refund amount of \$3.73 billion, and LCS is projecting that refund obligations will continue to be in the multiple billions of dollars for the forecasted period – \$3.31 billion in the current year, \$2.06 billion next year, and \$1.97 billion in the out year.

TABOR Outlook

Revenue Subject to TABOR
Dollars in Billions

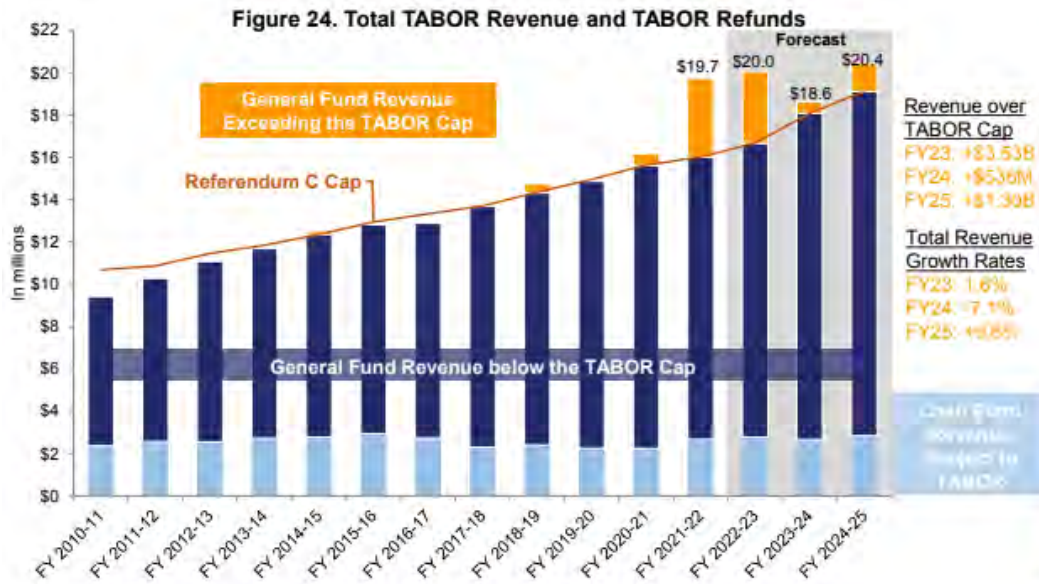
Revenue Above the Ref C Cap

FY 2021-22: \$3.73 billion
 FY 2022-23: \$3.31 billion
 FY 2023-24: \$2.06 billion
 FY 2024-25: \$1.97 billion



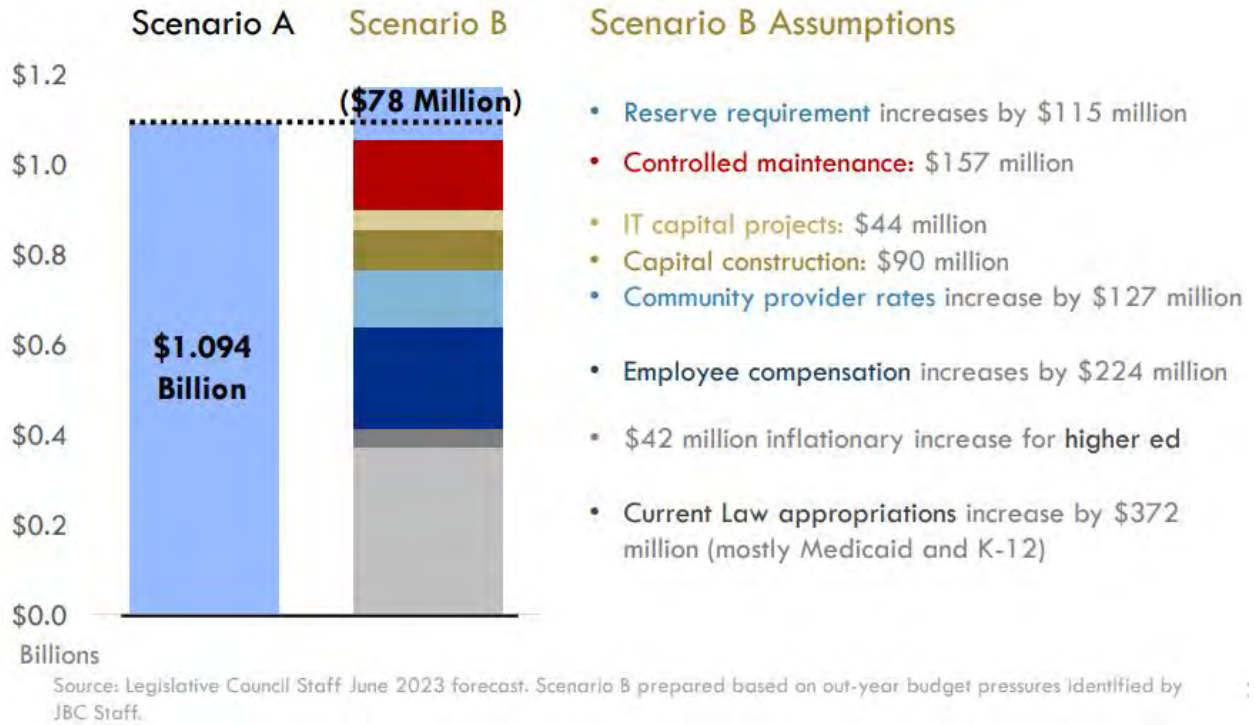
Source: Colorado Office of the State Controller and Legislative Council Staff June 2023 forecast.

By far the biggest difference between the two forecasts is the projected refund obligation next year. While LCS is projecting \$2.06 billion in refunds, OSPB is only projecting \$536 million for the refund obligation. The chart below shows OSPB’s refund projections, which are roughly in line for this year and the out year but differ dramatically in their projection for next year.



The JBC will surely be keeping a close eye on what happens with those divergent projections as we get to the next forecasts in September, December, and March before they will ultimately choose one of the forecasts as the baseline for next year’s budget.

Turning back to the LCS forecast, which provides different scenarios for next year’s budget. In the chart below, scenario A shows that the legislature will technically have over \$1 billion above last year’s budget to either spend or save. Scenario B, on the other hand, factors in budget and caseload pressures and includes projected amounts that are likely to be included in next year’s budget. When you factor in all of those pressures on the budget you end up in negative territory by \$78 million.



Thus, the budget next year is once again expected to be very tight despite generally good news on the economic and revenue front. Any downside risks to the forecasts will be absorbed by the large TABOR refund obligations and the budget next year will be more constrained by the spending cap and not revenue collections. Lastly, watch for how these projections potentially change in the next forecast.

Links to All Forecast Documents

Legislative Council Staff

- [Presentation](#)
- [Full Report](#)
- [Consumer Price Index](#)

Office of State Planning and Budgeting

- [Presentation](#)
- [Full Report](#)
- [Supplemental](#)

SB23-303 Truth in Taxation – How Does this Work?

May 22, 2023

If approved by voters at the statewide ballot at the 2023 fall general election, SB23-303/Referred Measure HH would put into place a process requiring an annual action by a Board of Directors of a special district to keep and spend property taxes collected above a limit.

I. Background: Existing Limits on Levy Growth

1. Statutory Levy Limit: Many western states have a limit on growth in property tax collections or revenues (or “levy” as a noun). In Colorado, we have a 5.5% statutory limit codified at C.R.S. § 29-1-301. Colorado does not have this process, but other states allow the governing body to exceed the levy limit (whatever that threshold is) by a vote of the body. Some states refer to this process as “Truth in Taxation.”
2. TABOR/Constitutional Limit on Tax Revenues: The Taxpayer Bill of Rights (TABOR) prohibits taxing districts from increasing fiscal year spending from the prior year by more than inflation plus local growth, unless authorized by voters to retain and spend above that limit. This process is colloquially referred to as de-Brucing.

Oftentimes, local governments seek voter-approval to keep and spend above both the statutory 5.5% and TABOR expenditure limits. Sometimes, these questions are combined with other ballot questions to voters, including new or increased taxes and/or debt.

II. Q&As

Question	Answer
Which local governments must follow this process (unless another exception applies)?	All “governmental entities” (including special districts) authorizes to levy property taxes, except for two types: school districts and any home rule county, county & city, or city or town.
What is the limit, and how does it compare to other revenue limits?	The limit is the consumer price index (aka inflation) in the Denver metro area (as per the U.S. Department of Labor). This is a <u>lower limit</u> than TABOR (inflation + local growth) or the statutory 5.5% limit. So, the “property tax limit” is excluding certain types of properties or actions from the total, then applying inflation to calculate the limit.
When does this process start?	For the 2023 Property Tax Year until SB23-303/Ref HH expires (in 10 years).

<p>What revenues are excluded the calculation of growth? [Short-term]</p>	<p>The following are excluded from the calculation of the property tax revenue limit – and for most of the below, the revenues would presumably come under the revenue limit calculation the next year:</p> <ul style="list-style-type: none"> • New construction • Legislative changes on classification • Annexations • Property tax abatements or refunds • Property previously omitted • Any amounts ordered by the State Board of Equalization for payments to school districts due to the undervaluation of taxable property
<p>What revenues are excluded the calculation of growth? [Longer-term]</p>	<p>The following are excluded from the calculation of the property tax revenue limit – and for most of the below, the revenues would presumably not come under the revenue limit calculation for any future year:</p> <ul style="list-style-type: none"> • Any amount for the payment of bonds or other contractual obligations approved by voters on or after November 7, 2023 • Any revenue from a mill levy that has been approved by voters at any election on or after November 7, 2023
<p>Are de-Bruced revenues subject to this limit?</p>	<ul style="list-style-type: none"> • De-Bruced revenues that are not approved by voters in tandem with a debt or tax measure <u>are</u> subject to this process. • Please note that an amendment was offered to allow these revenues to be excluded, and that amendment was not adopted.

SB23-108 expressly codified providing a temporary mill credit or reduction for property tax relief (in addition to the statutory acknowledgment that such actions may be used to achieve a TABOR refund). SB23-303 acknowledges this too.

III. Process Map

A local government may collect mills/property taxes above the inflation limit if:

1. Publish notice: at least 10 days in advance of a “public hearing” on the matter, publish notice of the local government’s proposed intent to exceed the property tax limit in a newspaper in each county in which it is located and on its website (if it has one).

Notice must include:

- The proposed mill levy;
- Any temporary tax credits; and
- The date, time, and location of the public hearing.

2. Public comment: The governing body must allow the public an opportunity to present oral testimony at an open meeting within reasonable time limits and without an unreasonable restriction on the number of individuals allowed to make public comment.
3. Action by governing body: The governing body must adopt a resolution or ordinance to approve a mill levy that exceeds the property tax limit at the public hearing after the governing body has heard from interested taxpayers. *Please note, it appears the intent is to require that the hearing and the meeting at which the action is taken to be accomplished at the same public meeting.*

IV. Finality and Enforcement

The final decision of a governing body to exceed the property tax limit is deemed to be final and conclusive – not subject to appeal to court.

If a local government exceeds the tax limit and does not comply with the process, it must refund revenues collected above the limit to taxpayers.



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
West Building – 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302

BOARD MEMORANDUM

From: [Christine Arbogast](#)
Subject: Federal Affairs Update
Date: June 30, 2023

While the first four or five months of this Congress were a bit slow, there has been an uptick in activity.

Senator Hickenlooper will introduce the longer-term authorization and funding bill for the endangered fish recovery programs after the July 4 recess. It is hoped there will be hearing on the bill late July. The bill's provisions will be somewhat different than the committees' had hoped. House rules do not allow for authorizations of more than seven years. They also have strict "pay for" requirements for increased spending. And so, in order to persuade a Senate Republican in the Upper Basin to cosponsorship, the Hickenlooper bill had to be changed to seven years rather than 15. Senator Romney has agreed to cosponsor, and now, full support from the Upper Basin Senators is being sought.

Senator Bennet introduced his bill to more clearly authorize the Bureau of Reclamation to spend funds on the prevention of invasive species infiltration in western infrastructure. This is strongly supported by the Western states. The bill has been referred to the Environment and Public Works Committee and Bennet is hoping for a hearing soon.

As you know, the Dolores NCA bill has been introduced and Bennet is working hard to get it into a position to pass this year. Strong support from the coalition that developed the bill is important. There is also an underlying effort to have an Antiquities Act designation of a much larger area come from the Biden Administration. While it is hard to measure how much traction that effort has, coalition members appear to be holding strong for the negotiated bill.

There are numerous farm bill proposals out there in piece-meal bills, but the prospects for a farm bill are dimming somewhat. There are broad disagreements between the House and the Senate Agriculture Committees.

Senator Bennet has an additional bill he is floating to assist the Rio Grande and Colorado basins; we will discuss that further at the upcoming board meeting.

Finally, the appropriations process has seen movement, with the House getting bills out of committee quickly. The Energy and Water bill does cut the BoR, but the proposal is still a strong \$1.8 billion. The Senate has begun some consideration, with movement on the Ag appropriations measure. If there is not passage of all 12 bills, or an omnibus package by December 31 at midnight, an across the board one percent cut will be implemented (part of the debt ceiling bill) and we will go into a year-long continuing resolution for spending at current levels.

I look forward to talking more about these issues in Telluride, along with any updated information.

17.0 Staff Reports

and not competing requests. California State University, Sacramento is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: June 6, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023-12857 Filed 6-15-23; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR03040000, 23XR0680A1,
RX187860005004001]

Notice of Intent To Prepare an Environmental Impact Statement and Notice To Solicit Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of the Interior (Secretary) has directed the Bureau of Reclamation (Reclamation) to develop post-2026 Colorado River reservoir operational guidelines and strategies for Lake Powell and Lake Mead (referred to as "post-2026 operations"). Several important reservoir and water management decisional documents and agreements that govern operation of Colorado River facilities and management of Colorado River water are currently scheduled to expire at the end of 2026. Through this **Federal Register** notice, Reclamation is formally initiating the process to prepare an environmental impact statement (EIS) for the development of post-2026 operations.

DATES: This **Federal Register** notice initiates the public scoping process for the EIS. Reclamation requests that the public submit comments concerning the scope of specific operational guidelines, strategies, and any other issues that should be considered on or before August 15, 2023.

Reclamation will host three virtual public meetings/webinars to provide summary information and receive oral comments:

- Monday, July 17, 2023, 1 p.m. to 2 p.m. (MDT)
- Tuesday, July 18, 2023, 10 a.m. to 11 a.m. (MDT)
- Monday, July 24, 2023, 6 p.m. to 7 p.m. (MDT)

ADDRESSES: Please send written comments pursuant to this notice to crbpost2026@usbr.gov or Bureau of Reclamation, Attn: Post-2026 (Mail Stop 84-55000), P.O. Box 25007, Denver, CO 80225.

The registration link for the webinar held on Monday, July 17, 2023, is https://swca.zoom.us/webinar/register/WN_-hvFoMcRJ-I98k4n7-GvQ, or the dial in option (audio only) is (602) 753-0140 or (720) 928-9299; Webinar ID: 918 5524 0606.

The registration link for the webinar held on Tuesday, July 18, 2023, is https://swca.zoom.us/webinar/register/WN_sbSwzBjhQ66Z-E65TGXX1g, or the dial in option (audio only) is (602) 753-0140 or (720) 928-9299; Webinar ID: 963 7946 3234.

The registration link for the webinar held on Monday, July 24, 2023, is https://swca.zoom.us/webinar/register/WN_r0ozNRpmRu-hmEpYxe0-Qg, or the dial in option (audio only) is (602) 753-0140 or (720) 928-9299; Webinar ID: 949 1587 3150.

FOR FURTHER INFORMATION CONTACT:

Amanda Erath, Colorado River Post-2026 Program Coordinator, Bureau of Reclamation, at (303) 445-2766, or by email at crbpost2026@usbr.gov. Please also visit the project website at <https://www.usbr.gov/ColoradoRiverBasin/Post2026Ops.html>. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: This document provides notice that Reclamation intends to prepare an EIS for post-2026 operations and conduct public scoping. Reclamation is issuing this **Federal Register** notice pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321 *et seq.*; the Council on Environmental Quality's regulations for implementing NEPA, 43 CFR parts 1500 through 1508; and the Department of the Interior (Department or Interior) NEPA regulations, 43 CFR part 46.

Background

The Colorado River Basin has been in a prolonged period of drought and low-

runoff conditions, and despite current projections of 2023 runoff being well above average, the period from 2000 through 2023 is currently estimated as the second driest period in more than a century and one of the driest periods in the last 1,200 years. From 2000 to 2004, Lake Powell and Lake Mead lost nearly half of their combined storage. The onset of this period of acute drought spurred the development of the 2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Interim Guidelines). Over the past 15 years since the adoption of the 2007 Interim Guidelines, as drought and low-runoff conditions continued, additional responsive actions were needed to complement the 2007 Interim Guidelines (e.g., 2019 Colorado River Basin Drought Contingency Plan (DCP)). At the end of 2026, a number of reservoir and water management decisional documents and agreements that govern the operation of Colorado River facilities and management of the Colorado River are scheduled to expire. These include the 2007 Interim Guidelines, the DCP, and other important management documents within the United States, as well as Minute 323 between the United States and Mexico pursuant to the United States-Mexico Treaty on Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande (1944 Water Treaty).

Since 2021, the Department has undertaken several actions to protect critical infrastructure in response to declining reservoir elevations and the deepening of drought conditions from 2020 to 2022. As the summer of 2022 ended with near record low elevations in Lake Powell and Lake Mead, the Department recognized that, absent a change in hydrologic conditions, water use patterns, or both, Colorado River reservoirs would continue to decline to critically low elevations before the 2007 Interim Guidelines expired. In order to modify guidelines for the operation of Glen Canyon and Hoover Dam for the remainder of the interim period (through 2026) to address these historic drought and low runoff conditions in the Basin, the Department initiated a NEPA process on November 17, 2022, to prepare a Supplemental Environmental Impact Statement (SEIS) for Near-term Colorado River Operations. The draft SEIS was released for public review on April 14, 2023. In light of the Lower Basin states' consensus-based system conservation proposal submitted on May 22, 2023, the Department temporarily withdrew the draft SEIS so

that it can fully analyze the effects of the proposal under NEPA. Reclamation intends to publish an updated draft SEIS for public comment with the consensus-based proposal as an action alternative and finalize the SEIS process later this year.

Recognizing the need to begin to develop long-term strategies for Colorado River operations while simultaneously addressing the current drought conditions and preparing for the potential of continuing low runoff and low reservoir conditions, the Department published a **Federal Register** notice on June 24, 2022 (87 FR 37884), related to post-2026 operations. In that **Federal Register** notice, the Department specifically requested public input on procedural approaches to developing the post-2026 operational strategies (process) and potential substantive elements of post-2026 operations. In response, the Department received substantial input from States, Tribes, water districts, non-governmental organizations, and the public. The input received has been summarized in a “Pre-Scoping Summary Report” (Available at https://www.usbr.gov/ColoradoRiverBasin/documents/Post-2026_Pre-Scoping%20Comment%20Summary%20Final_Updated1.30.2023_508.pdf) and is being considered and integrated into this NEPA process. This NOI follows that important early opportunity for public input, and formally initiates the post-2026 NEPA process.

With respect to the relationship between the ongoing SEIS process and the post-2026 process, the November 2022 **Federal Register** notice was clear that the SEIS: “does not interfere with, supplant, or supersede that separate post-2026 guidelines development process. Rather, this SEIS will inform and complement the development of post-2026 guidelines.” The SEIS is focused on limited sections of the 2007 Interim Guidelines to develop the operational tools necessary to address potential extreme drought conditions during the 2024 to 2026 timeframe. In contrast, the post-2026 process will address the subsequent timeframe and revisit all sections of the 2007 Interim Guidelines and other operating agreements that expire in 2026 (*e.g.*, the DCP). The appropriate scope of post-2026 operations will be determined after conclusion of the public scoping process.

The June 2022 **Federal Register** notice for pre-scoping for post-2026 operations anticipated “that near-term response actions and development of post-2026 operations will need to proceed on parallel timelines.” The SEIS and post-

2026 processes are now underway and proceeding simultaneously as predicted. Every effort will be made to provide clear and timely information regarding the milestones for public engagement in the post-2026 process to minimize the stakeholder and public burden of tracking and engaging in both efforts.

Purpose of This Notice of Intent

To assure the continued stability of the Colorado River system into the future, Reclamation announces its intent to prepare an EIS for post-2026 operations and is now soliciting public comments on the scope of specific operational guidelines, strategies, and any other related issues that should be considered in the upcoming EIS.

Reclamation invites all interested members of the public, including the seven Colorado River Basin States, Tribes, water and power contractors, representatives of the agricultural industry, municipal water providers, environmental organizations, representatives of the recreation industry, representatives of academic and scientific communities and other organizations and agencies to provide oral and written comments. Reclamation anticipates publishing a “scoping report” after completion of the public scoping meetings and the close of the comment period identified in this **Federal Register** notice.

All comments received will be considered as Reclamation develops the proposed federal action, Purpose and Need, and scope of the analysis (*e.g.*, affected area, geographic scope, time horizon/term). Similar to operational guidelines currently in place, it is likely that the post-2026 operational guidelines will be interim. Despite their interim nature, it is the Department’s intent that these operational guidelines and strategies are sufficiently robust and adaptive and can withstand a broad range of future conditions thereby providing greater operational and planning stability to water users and the public throughout the Colorado River Basin.

June 2022 Request for Input on Development of Post-2026 Colorado River Operational Strategies

In response to the June 2022 pre-scoping **Federal Register** notice, Reclamation heard from over 80 stakeholders and partners as well as over 2,000 members of the public. As noted above, in January 2023, Reclamation published a “Pre-Scoping Comment Summary Report” on its website describing and summarizing the input received and hosted a public

outreach event on January 30, 2023, to communicate the findings.

The input received in response to the June 2022 **Federal Register** notice included a broad range of comments and suggestions, not all of which can be addressed in this proposed process or described in this NOI. In addition, some suggestions may be part of ongoing or future efforts. However, some widely expressed themes related to the nature of future operational guidelines and strategies are actively being considered in our approach during the early stages of planning for this NEPA process:

- Future operational guidelines and strategies must support proactive management to improve system stability and avoid continuously managing in response to crises. To achieve this, future operational guidelines and strategies must be capable of both withstanding a broad range of future hydrologic and operating conditions and minimizing system vulnerability, *i.e.*, they must be more robust and adaptive than current strategies.

- Future operational guidelines and strategies should incorporate a more holistic approach to Colorado River water management in a way that focuses on the long-term sustainability of both the Basin’s population and natural environment, minimizes system vulnerability, and increases system resiliency.

- Coordinated operation of Lake Powell and Lake Mead is one of multiple ways that the system can be managed. Alternative paradigms, *e.g.*, basing reservoir operations on combined reservoir or system storage, should be explored.

Structure of the 2007 Interim Guidelines and Operating Experience

The purpose of the 2007 Interim Guidelines was determined in the early stages of the NEPA process to develop the 2007 Interim Guidelines and consists of three components. As stated in Section IV of the 2007 Interim Guidelines, the purpose is to:

- “improve Reclamation’s management of the Colorado River by considering trade-offs between the frequency and magnitude of reductions of water deliveries, and considering the effects on water storage in Lake Powell and Lake Mead, and on water supply, power production, recreation, and other environmental resources;

- provide mainstream United States users of Colorado River water, particularly those in the Lower Division states, a greater degree of predictability with respect to the amount of annual water deliveries in future years,

particularly under drought and low reservoir conditions; and

- provide additional mechanisms for the storage and delivery of water supplies in Lake Mead to increase the flexibility of meeting water use needs from Lake Mead, particularly under drought and low reservoir conditions.”

Despite the additional agreements and actions undertaken since the adoption of the 2007 Interim Guidelines and ongoing processes, the four elements of the 2007 Interim Guidelines, collectively intended to meet the purpose, have remained intact. These elements are:

- *Shortage Guidelines*: Determines those conditions under which the Secretary would reduce the annual amount of water available for consumptive use from Lake Mead to the Lower Division states below 7.5 million acre-feet pursuant to the Consolidated Decree.

- *Coordinated Reservoir Operations*: Defines the coordinated operations of Lake Powell and Lake Mead to provide improved operation of these two reservoirs, particularly under low reservoir conditions. As described in Section XI.G.6. of the Record of Decision, the objective of the operation of Lake Powell and Lake Mead is “to avoid curtailment of uses in the Upper Basin, minimize shortages in the Lower Basin and not adversely affect the yield for development available in the Upper Basin.”

- *Storage and Delivery of Conserved Water*: Allows for the storage and delivery, pursuant to applicable federal law, of conserved Colorado River System and non-System water in Lake Mead to increase the flexibility of meeting water use needs from Lake Mead, particularly under drought and low reservoir conditions.

- *Surplus Guidelines*: Determines those conditions under which the Secretary may declare the availability of surplus water for use within the Lower Division states. Modifies the substance of the Interim Surplus Guidelines existing at the time the Guidelines were adopted by extending the term from 2016 to 2026 and terminating the most permissive provision.

The interim nature of the 2007 Interim Guidelines provided the opportunity to gain valuable experience in the management of Lake Powell and Lake Mead, improving the basis of understanding for future operational decisions. First implemented in 2008, Reclamation now has over 15 years of operational experience under the 2007 Interim Guidelines. Section XI.G.7.D. of the 2007 Interim Guidelines required the documentation of this experience and an evaluation of the effectiveness of

the 2007 Interim Guidelines. In fulfillment of this provision, in December 2020, Reclamation published on its website “Review of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead” (Available at <https://www.usbr.gov/ColoradoRiverBasin/#7.D.Review>) (the 2020 7.D. Review).

The 2020 7.D. Review found that while the 2007 Interim Guidelines were effective at meeting their overall purpose, the increasing severity of the drought and prolonged period of low runoff demonstrated that the 2007 Interim Guidelines were insufficiently robust to protect reservoir storage, requiring the adoption of the DCPs and other responsive adaptive actions, both within the United States and in cooperation with Mexico.

The 2020 7.D. Review also documented important considerations for enhancing future effectiveness: (1) enhanced flexibilities and transparency for water users; (2) expanded participation in conservation and Basin-wide programs; (3) increased consideration of the linkage that occurs through coordinated reservoir operations, particularly with respect to the uncertainties inherent in model projections used to set operating conditions; and (4) more robust measures to protect reservoir levels.

Following the publication of the 2020 7.D. Review, as low snowpack and runoff conditions worsened, Reclamation undertook emergency and other drought response actions in 2021 and 2022 to protect infrastructure and operations at Glen Canyon Dam. In the November 2022 **Federal Register** notice, the Department found that due to the existence of “extraordinary circumstances” per Section 7.D of the 2007 Interim Guidelines, modified operating provisions may be required in order to ensure Glen Canyon Dam continues to operate under its intended design and to protect Hoover Dam operations, system integrity, and public health and safety and initiated the ongoing SEIS process.

Considering the past 15 years of operating experience, the findings described in the 2020 7.D. Review, the themes expressed in response to the June 2022 **Federal Register** notice, and the information included in this NOI; Interior is interested in receiving specific input on how the purpose and the elements of the 2007 Interim Guidelines should be retained, modified or eliminated to provide greater stability to water users and the public throughout the Colorado River Basin through robust and adaptive operational

guidelines. This input will be used to inform our decision on the proposed federal action, Purpose and Need, and scope of the analysis (e.g., affected area, geographic scope, time horizon/term).

Elements of Process Designed to Date

In the June 2022 **Federal Register** notice, Reclamation identified that it intends to design and implement a stakeholder process for this EIS that is inclusive, transparent, and encourages meaningful engagement. Using the input received during that comment period and correspondence from Basin partners, Reclamation is in the early stages of developing certain components of its engagement and outreach approaches.

With respect to developing alternatives, input received in response to the June 2022 **Federal Register** notice suggested that Reclamation expand beyond its traditional methods of engagement and requested an inclusive process that encourages collaboration and supports the exploration of a broad range of creative operational strategies. To this end, and among other potential approaches, Reclamation is working with experts to develop a web-based tool that enables users with different levels of technical skill to explore, create, and compare potential operating strategies to enhance development of alternatives. The use of this common, accessible platform is just one part of Reclamation’s stated goals of improving stakeholder and partner knowledge and engagement that supports external parties in developing strategies and provides the public greater and more timely access to relevant technical information.

In anticipation of the target Fall 2023 launch of the tool, Reclamation has convened an Integrated Technical Education Workgroup that is actively working to ensure that stakeholders are better prepared and able to engage in a robust alternatives development process. While it is valuable during this comment period to communicate ideas about the concepts and structures that could be included in alternatives, it is not necessary to submit comprehensive alternatives before the more focused period of alternatives development begins this fall.

With respect to the timing and structure of outreach during the NEPA process, Reclamation intends to develop an approach that facilitates inclusion at multiple levels and enhances tribal engagement and inclusivity. This structure for partner, stakeholder and public engagement will include individualized outreach, leverage existing groups and forums, create new

groups and forums, and provide for clear and timely communication with the public.

Through the individualized partner and stakeholder outreach, Reclamation will be available for meetings upon request and will prioritize regular, meaningful, and robust consultation with Tribal Nations. Existing forums and groups will be continued and leveraged, such as the monthly Reclamation-hosted Tribal Information Exchanges. Reclamation is also exploring options for increasing tribal involvement through the potential development of new groups and forums. In addition to timely and clear communication with the public at regular NEPA milestones, Reclamation intends to set up a broad partner-stakeholder group to ensure a full understanding of each upcoming step in the NEPA process.

As discussed in the June 2022 **Federal Register** notice, the Department is also committed to identifying processes that can complement the efforts of the International Boundary and Water Commission (IBWC) to develop post-2026 agreements that would succeed current agreements contained in Minute 323 to the 1944 Water Treaty. The Department will continue to coordinate with the IBWC to ensure Interior-led domestic planning processes are implemented in a coordinated and complementary fashion to those of the IBWC with a goal of ensuring similar timelines for informed decision making.

Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Maria Camille Touton,

Commissioner, Bureau of Reclamation.

[FR Doc. 2023-12923 Filed 6-15-23; 8:45 am]

BILLING CODE 4332-90-P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE-2023-0005; EEEE500000 234E1700D2 ET1SF0000.EAQ000; OMB Control Number 1014-0015]

Agency Information Collection Activities; Unitization

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 15, 2023.

ADDRESSES: Send your comments on this information collection request (ICR) by either of the following methods listed below:

- Electronically go to <http://www.regulations.gov>. In the Search box, enter BSEE-2023-0005 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.

- Email kye.mason@bsee.gov, fax (703) 787-1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Nikki Mason; 45600 Woodland Road, Sterling, VA 20166. Please reference OMB Control Number 1014-0015 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Nikki Mason by email at nikki.mason@bsee.gov or by telephone at (703) 787-1607.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We

may not conduct, or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: BSEE must approve any lessee's proposal to enter an agreement to unitize operations under two or more leases and for modifications when warranted. We use the information to ensure that operations under the proposed unit agreement will result in preventing waste, conserving natural resources, and protecting correlative rights including the government's interests.

17.1.3

Y--Paradox Valley Unit Brine Management and Disposal

BUREAU OF RECLAMATION
UPPER COLORADO REGIONAL OFFICE

General Information

- **Contract Opportunity Type:** Special Notice (Original)
- **All Dates/Times are:** (UTC-06:00) MOUNTAIN STANDARD TIME, DENVER, USA
- **Original Published Date:** May 15, 2023 03:13 pm MDT
- **Original Response Date:** Aug 15, 2023 01:00 pm MDT
- **Original Inactive Date:** Aug 29, 2023

Description

Purpose: This Request for Information (RFI) is issued by the Bureau of Reclamation (Reclamation), a water management agency within the U.S. Department of the Interior. Reclamation is seeking solutions from any entity interested in contracting with the government to manage and dispose of concentrated brine extracted by the existing Paradox Valley Unit of the Colorado River Basin Salinity Control Program located in Western Colorado near Bedrock, Colorado.

Disclaimer: This RFI is not subject to the Federal Acquisition Regulation (FAR). This RFI is issued solely for information and planning purposes; it does not constitute a solicitation or any promise to issue a solicitation. This RFI does not commit Reclamation to contract for any supply or service. Responders are advised that Reclamation will not pay any costs incurred in response to this RFI. All cost associated with responding to this RFI will be solely at the interested party's expense.

Format: No specific format or structure is requested for the content of your response, but responses should clearly address the objectives and questions in the attached Statement of Objectives. Responses shall be electronic copies in .pdf format or Microsoft Word, Power Point, or Excel format(s). Responses shall include a brief Executive Summary that includes the responding entity's name, address, phone number, email address, website URL (if available), and the name of a point of contact and his/her title, phone number and email address. If the responding entity is registered in the federal System for Award Management (SAM), provide the entity's Unique Entity Identification number.

Timing: To be assured consideration, all responses must be received via email by Reclamation no later than 15 August 2023.

Submittal: Reclamation will accept responses via email to: sstone@usbr.gov.

Questions: Questions regarding this RFI will be accepted via e-mail to: sstone@usbr.gov.

Submitted questions and their answers may be posted on this website to make them available to all interested parties. The party submitting the question will not be identified.

Tours of the existing Paradox Valley Unit facilities may be arranged by contacting Andy Nicholas, Facility Operations Specialist, anicholas@usbr.gov, (970)859-7214.

Notification of Receipt: An e-mail acknowledgement of receipt will be provided. The Reclamation email server will reject any email with a file size larger than 25MB; if your response contains a file or files larger than that limit, please break your file or files into smaller sizes and transmit as multiple emails. Acknowledgements will be sent in reply to received emails.

Business Confidentiality: The information received in response to this RFI will be shared with state-level stakeholders as Reclamation seeks solutions to the objectives. Proprietary or confidential information should not be provided in responses to this RFI. Responses to this RFI will not be returned.

Attachments/Links

Download All Attachments/Links

Document	File Size	Access	Updated	Date
SOO PVU Brine 20230511 1.pdf (opens in new window)	159 KB	Public	May 15, 2023	

Contact Information

Contracting Office Address

- 125 SOUTH STATE ST ROOM 8100
- SALT LAKE CITY , UT 84138
- USA

Primary Point of Contact

- **Stone, Steven**
- sstone@usbr.gov
- Phone Number 0000000000

17.1.3

Statement of Objectives

1. Project title

Paradox Valley Unit Brine Management and Disposal Solution.

2. Introduction

The purpose of this Statement of Objectives (SOO) is to identify a feasible brine management and disposal solution which may be implemented in the Paradox Valley. Because the existing brine injection well may be nearing the end of its useful life, the Bureau of Reclamation (Reclamation) is searching for alternatives capable of addressing long-term, sustainable management and disposal of the brine at the Paradox Valley Unit (PVU).

3. Background

The PVU was constructed to assist in meeting the objectives and standards of the Federal Water Pollution Control Act of 1948 (P.L. 80-845) and the Colorado River Basin Salinity Control Act of 1974, as amended and supplemented (P.L. 93-320). The Salinity Control Act authorizes the construction, operation, and maintenance of works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico.

The PVU is located along the Dolores River in the Paradox Valley of Montrose County, Colorado, about ten miles east of the Colorado-Utah state line. The Dolores River is a major tributary to the Colorado River. The Paradox Valley was formed from the collapse of a salt anticline (dome). Groundwater flowing across the top of this salt dome creates a highly saturated, naturally occurring brine. The PVU is designed to prevent this natural salt load from entering the river and degrading the water quality of the main stem of the Colorado River. Using a field of shallow brine extraction wells, the PVU can intercept up to 300 gallons per minute (gpm) of 260,000 mg/L brine. PVU brine also contains hydrogen sulfide (H₂S) which is dangerous to human and wildlife health and is corrosive to processing equipment. Typical dissolved H₂S concentrations average 80 mg/L. The brine is sent from the extraction wells through a 10-inch diameter pipeline to a brine injection facility where it is injected 14,000 feet underground. Because the underground reservoir pressure and induced seismicity have increased, brine disposal rates have had to be substantially reduced. Therefore, Reclamation is searching for a new brine management and disposal solution which would allow the PVU to continue to enhance and protect the quality of water available in the Colorado River.

Reclamation published a [Final Environmental Impact Statement](#) (EIS) in December 2020 but did not issue a Record of Decision. The Preferred Alternative in the Final EIS was the No Action Alternative, which includes continued operation of the existing PVU until it is no longer feasible to operate. Once the existing well is no longer operable, there would be no salinity control in the Paradox Valley unless a feasible alternative is identified and implemented in the future. The action alternatives analyzed in the EIS were Alternative B – New Injection Well, Alternative C – Evaporation Ponds, and Alternative D – Zero-Liquid Discharge Technology (ZLD). Additional

supporting information and studies from the EIS can be found on the [Paradox Valley Unit website](#). This SOO is an effort to identify a feasible brine management and disposal solution that may be implemented in the Paradox Valley. Alternatives previously evaluated may still be considered for implementation.

4. Objectives

Reclamation will be the operator for the extraction wells which may produce from 115 gpm up to 300 gpm of brine. The objective is to identify a proven brine management and disposal solution that can be implemented in the Paradox Valley and meets the following goals:

- Accept brine from the existing 10-inch transfer pipeline ([PVU EIS, Appendix B, Figure 2-1](#)).
- Be capable of managing and disposing within the range of 185 acre-feet (ac-ft) to 484 ac-ft of brine per year that would otherwise enter the Dolores River and the downstream Colorado River (115 gpm to 300 gpm, or approximately 65,000 to 171,000 tons of salt per year)
- Optimize the annual cost per ton of salt removed
- Minimize adverse impacts on physical, biological, social, economic, environmental, cultural, and tribal resources in the affected environment, including to downstream water users
- Minimize the use of nonrenewable resources, including land and energy

5. Scope

The scope of any solution offered in response to this SOO shall include the ability to process up to 300 gpm of brine containing an average salt concentration of 260,000 mg/L and an average dissolved H₂S concentration of 80 mg/L. The disposal method will need to be able to accommodate anywhere from 185 ac-ft to 484 ac-ft of brine per year.

The location for the offered solution is within Paradox Valley, CO. This location is remote and any solution must contend with or augment the limited available infrastructure.

Any offered solution must manage/dispose of the flow of brine in such a way as to prevent the salt from entering the Dolores River or Colorado River. While not a requirement of this SOO, if any offered solution includes returning water to the Dolores River or the Colorado River watershed, this water shall meet all local, State, and Federal water quality standards and requirements.

6. Performance objectives

The main objective of any proposed solution shall be to receive a flow of brine currently being pumped through a 10” diameter pipe at a rate of up to 300 gpm and manage/dispose of the brine in such a way as to prevent the collected salt from entering the Dolores River or Colorado River.

7. Operating constraints

The following list contains the project operating constraints:

- Reclamation will be the operator of the Brine Production Well Field and Surface Treatment Facility (STF) as has been done historically to minimize brine entering the Dolores River. The brine will be provided to a vendor in the STF transfer pipeline (10-inch diameter) at a rate of up to 300 gpm. The vendor will connect to the brine transfer pipeline and implement their brine management and disposal solution.
- Future proposals considered for implementation will be subject to NEPA compliance and any constraints/requirements identified through that process.

8. Place of performance

The brine will be provided at the brine transfer pipeline in the Paradox Valley, Montrose County, Colorado. Any lands or land requirements which might be required should be identified in the offered solution.

9. Deliverables/delivery schedule

Please consider the following questions in the response to this SOO:

1. Describe the proposed solution for managing and disposing of the brine. Clearly state if there are assumptions on any portions of the brine management process which are not covered in your proposal. A proposed disposal solution is required to be part of any response.
 - a. Is your solution a proven technology or combination of proven technologies?
 - b. Have you been actively involved working with the technology on another project?
 - c. Will your solution manage the dissolved H₂S? Off gassing to the atmosphere is not an acceptable method.
 - d. What is the volume of brine, in acre-feet per year, your solution can dispose of?
 - e. What is the peak flow rate your solution can handle?
 - f. What resources (land, power, infrastructure, transportation systems, etc.) are needed to implement your solution?
 - g. Does your solution depend upon facilities or equipment you currently own, operate or have the ability to construct?
 - h. What is the total estimated capital cost of your solution? What portion of this cost would require government assistance, if any?
 - i. What is the total estimated annual operation, maintenance, and replacement costs of your solution? What portion of these costs would require government assistance, if any?
 - j. What is the estimated life expectancy of your solution?
 - k. What is the major challenge or challenges (permits, land, equipment, etc.) to implementing your solution?

1. How will your solution ensure the brine is disposed in such a way as to prevent it from entering the Dolores River or Colorado River? Any commercial byproducts produced from the brine do not need to meet this requirement.
2. Are you interested in and capable of developing a commercial product from the brine?
 - a. What types of products could you develop?
 - b. What is the volume of brine that could be developed on an annual basis?
 - c. Is there a current market for these products?
 - d. Are there non-marketable byproducts, and if so, how would they be disposed?
3. Provide an estimated timeline for implementation, to include major milestones culminating in Full Operational Capability. The offeror is free to use the “Critical Path” or any similar methodology.
4. Provide an executive summary of the company/entity, to include company/entity point(s) of contact: name, title, address, email address, telephone number, status of the company/entity (i.e., small business, HUBZone business, etc.) and the entity Unique Entity Identifier (UEI) as used in the federal System for Award Management (SAM), if available.

10. Security

Please identify any potential security concerns in the offered solution.

11. Government furnished information

Please identify any Government Furnished Information needed to implement the offered solution.

12. Government furnished property

Please identify any Government Furnished Property/Equipment needed to implement the offered solution.

BOARD MEMORANDUM

From: SWCD Staff

Subject: Updates to Grant Guidelines and Application

Date: July 5, 2023

Grant Program Guidelines:

At our April Board meeting we discussed some revisions to the 2023 Grant Program Guidelines to be made for use in 2024. The attached document represents our proposed 2024 Grant Program Guidelines.

Significant Changes:

- Reformatted the whole document to match the application structure
- Aligning dates based on quarterly Board meetings in 2024. We understand if we moved back to bi-monthly meetings we would need to revise these dates. Proposed Schedule – Opening applications on August 1st, and closing applications on November 17th (pending board approval). Grant applications would be reviewed by the Board at our January meeting.
- Upped the Educational ‘Bucket’ Funds - Annual went from \$5,000 to \$10,000, five-year went from 10,000 to 20,000, and Total Funds Available increased to \$25,000.
- Decreasing Emergency Request ‘Bucket’ Funding from 65,000 to 50,000.
- Renamed Grant Fund Category Table to match names on the Application.
- Took out the list that indicated required documents for the application, since this is indicated on the application.

Grant Application:

The application was updated to be easier to review and complete. Since the format was changed, we did not keep a redlined version. There is an old and new version to compare. Significant changes are listed below.

Significant Changes:

- *Created a fillable PDF version
- Switching the first and second page to make the application easier to review.

- Added an attachment list, indicating what order to put attachments in and which were required.
- Adding a short FAQ and a link to the FAQ page.
- Added word limits on most of the prompts. This is to highlight how detailed the responses need to be and make the applications easier to review. If applicants need more space, they are encouraged to reach out to SWCD Staff.
- Broke out questions that asked multiple questions into their own section.
- Added a question about what strategic priorities their project addresses within the ‘What are the benefits of the project?’ question.
- Added approval date/anticipated approval date column in Matching Requirements table - took out the later question asking for this list.
- Added SWCD Staff contact information to the footnote on each page.

*Please note that the links on the fillable version are not current - since these documents have not been adopted, they have not been uploaded to the SWCD Website, so they do not have a link - once the documents are approved these fields will be updated.

Outstanding questions to the board:

- Needed clarification: When looking at the past five-year limit to grantees, is it including the application year, 2019-2024, or is it prior to the application year, 2018-2023?
- Overtime, the Board has moved some regular grant requests away from the grant program and has added funding for certain entities in specific line-terms within the SWCD budget.
 - ✓ Is there any need/desire for the Board to review those line items with more detail on any regular basis?
 - ✓ Should SWCD have a formal process for entities to make a request to receive annual funding?
- A discussion around having tax dollars match our dollars (for example if the organization is also tax-funded) - this question came up in the last review of grants.
- Need for some or all grantess to have some form of insurance?

THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters of the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
IN SOUTHWESTERN COLORADO

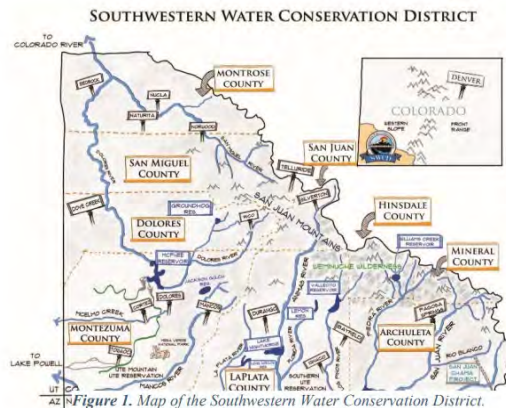
2024 GRANT PROGRAM GUIDELINES

1. Southwestern Water Conservation District Background

The Southwestern Water Conservation District (“SWCD”) is a political subdivision of the State that was established by the Colorado General Assembly in 1941 to protect, conserve, use, and develop the water resources of the San Juan and Dolores River Basins as well as to safeguard all waters to which the state of Colorado is equitably entitled.¹ SWCD periodically offers financial assistance in the form of grants to “qualified entities”², that are carrying out projects consistent with SWCD’s statutory purposes. Funding for this program is subject to SWCD’s discretion, annual budget, and appropriation process. The Board retains the right, in its sole discretion, to approve, reduce, or deny any grant request.

Before applying, please ensure you can answer “yes” to each of the following questions:

- Are you a qualified entity²?
- Are you located within the SWCD’s boundaries?
- Is the project anticipated to start and finish in 2024?
- Are you providing cash or in-kind match of at least 25% of the total project cost?
- Is the SWCD grant request for no more than 50% of the total project cost?
- Have you spoken with SWCD staff (Mo Rock, 970-247-1302) about the project and grant application before submission?



¹ See C.R.S. § 37-47-101 through -151

² See “Additional Requirements” for the definition of a “qualified entity”.

2. General Program Information

For the 2024 grant program, applications may be submitted from **August 1st through November 17th, 2023**. Applicants are encouraged to submit their application as early as possible so that there is adequate time to work with SWCD staff to ensure that the application meets all requirements in advance of the November 17th deadline. Applications received after November 17th, 2023 will not be considered, unless the application qualifies as an emergency grant request. In most cases, final decisions will be made by the Board shortly after the first regular Board meeting of 2024.

Emergency Grant Requests: The deadlines provided above apply to routine grant requests and can be modified to address emergencies. Examples of Emergency Requests include but are not limited to: flood events causing damage to diversion or measurement structures, catastrophic canal or pipeline failure that prevents the delivery of water, spillway or dam failure, regulatory restrictions, wildfire impacts including post-fire runoff, and other impacts, and toxic spills. Contact SWCD staff directly if this occurs to discuss submitting an emergency grant application.

SWCD annually anticipates receiving grant requests well over the available funds. The maximum amount of money potentially available from SWCD in the 2024 calendar year for all grant recipients is listed in the table below. These amounts available for each category are based on the assumption that the SWCD Board will continue to allocate a total of \$250,000 to SWCD's grant program in 2024, and may change if the Board subsequently elects to increase or decrease the total funding available to the program.

Grant Funding Category	<u>Anticipated 2024 Funds Available</u>	<u>Annual Max Grant Request per Applicant per Category</u>	<u>Five-Year Max Grant Funds received per Applicant per Category</u>
Water Supply/Watershed Restoration: Water supply or watershed restoration or enhancement projects, including design, engineering, and construction	\$125,000	\$60,000	\$120,000
Public Forums/Studies: Public forums, workgroups, studies, planning efforts	\$50,000	\$20,000	\$40,000
Education: Teaching seminars, workshops, and related programs	\$25,000	\$10,000	\$20,000
Emergency requests	\$50,000	N/A	N/A

Any member of SWCD's Board of Directors or Staff with a financial or property interest in a grant request will disclose any such interest or any other conflict of interest and recuse themselves from participating in any recommendation, vote, or decision-making process related to that grant request.

3. Additional Requirements

A. Eligibility:

SWCD will only consider grant requests from “qualified entities” for (1) development or improvement of water supply and watershed restoration or enhancement projects, including related design, engineering, and construction, (2) studies and facilitating stakeholder involvement in water-related matters, including water quality, (3) educational purposes, including teaching seminars, workshop, and related programs, and (4) emergency situations.

“Qualified entities” are defined by statute to include any public entity, non-profit corporation, not-for-profit corporation, carrier ditch company, mutual ditch or reservoir company, unincorporated ditch or reservoir company, or cooperative association within the boundaries of SWCD.³ Individuals are not eligible. All projects, studies, and program grants will be limited to “raw” or untreated water supplies. Only projects or portions of projects located within the SWCD’s boundaries are eligible for grant funding.

SWCD will **not** consider grant requests or funding for:

- a. Completed Projects; however, the Board may make an exception for projects completed within the past six months arising from emergencies;
- b. Municipal or domestic drinking water projects that do not qualify as a “public water system,” which is defined for the purposes of these guidelines to mean any system that does not have a public water system ID number with the state of Colorado;
- c. Any part of a municipal or domestic “public water system” which is unrelated to raw water storage or delivery. Applications for eligible portions of the public water system should include the state ID number for the system;
- d. Wastewater treatment projects;
- e. Legal fees or payroll costs. SWCD will not pay an employee’s salary or hourly wages but may consider paying for crew or seasonal work as it pertains to the specific project described in the grant proposal. If your project includes salary or hourly wages for employees, please identify them as a separate line item in the proposed budget and explain how you will pay for those costs without using SWCD grant funds. If you would like to apply grant funding to crew or seasonal project work, please identify this in your application and be aware that additional documentation may be required by the Board to approve such requests. Paying for project-specific crew or seasonal workers’ time will be at the discretion of the Board;
- f. Grant administration costs;

³ C.R.S. § 37-47-107(1)(j.5).

- g. Weed management projects, although consideration will be given to programs that specifically remove phreatophytes if the Applicant demonstrates it has a plan, including funding, for appropriate revegetation and ongoing maintenance.

B. Matching Contributions

SWCD will not award a grant for more than 50% of the total project costs,⁴ and Applicants must demonstrate that they are actively contributing to the project for which they are requesting a grant. Any grant approval will be contingent on the recipient demonstrating, prior to disbursement of the grant, that the Applicant has secured funding for the remaining total project costs.

In addition, Applicants or beneficiaries of the proposed project must also demonstrate that they will provide, through a cash contribution and/or in-kind goods or services, at least 25% of the total project costs (in other words, half of the matching funds).⁵ Applications proposing the use of in-kind goods and services as all, or a portion of the required matching contribution, must provide detailed information identifying the time and valuation (at an hourly or total project rate) of in-kind contributions. The Board may, at their discretion, consider previous expenditures directly related to the proposed project as matching contributions if those expenditures occurred within six months of the grant application deadline.

Non-profit, or non-governmental organizations, serving on behalf of a broad group of local constituents that do not receive tax revenues and do not have opportunities for third-party contributions for the project, may request a reduction of the match requirement to 10% of the total project cost (subject to approval by the Board) by garnering and documenting strong community or watershed support for the project.

C. Limits on Grant Funding

The amount of funding each “qualified entity” may receive from SWCD is further limited to the following:

- a. Recipients of grants for the development or improvement of water-related projects may not receive more than \$60,000 in a single year or a total of \$120,000 in any given five-year period.
- b. Recipients of grants for participation in public forums and the performance of studies may not receive, more than \$20,000 in any single year or a total of \$40,000 in any given five-year period.
- c. Recipients of grants for educational purposes may not receive more than \$10,000 in a single year or a total of \$20,000 in any given five-year period.

⁴ For multi-phase projects, “total project costs” shall mean all costs related to the particular phase of the project for which the Applicant is requesting funding.

⁵ The Applicant’s 25% match cannot be met through a loan from SWCD.

Additional funds, outside of SWCD's grant program, may be available through SWCD's loan program. Please review the Loan section below or contact SWCD staff to find out more about SWCD's loan program.

4. Application Instructions and Process

Completion of SWCD's application is required for SWCD to consider grant requests. The Board will not consider applications that do not meet the minimum requirements. To ensure consideration for funding by SWCD, please apply for a grant before the water project, study or educational program has been initiated. Please use the following application:

[General Application for Financial Assistance 2024](#)

Each application should be typed and include, at a minimum, the required information indicated by an asterisk, *, and all applications and supporting documentation must be submitted in a single .pdf file.

Please attach additional sheets as necessary to fully answer any question to assure that all information that might be helpful in evaluating your application is considered. Please return the **signed copy** of the application to Southwestern Water Conservation District and retain a copy for your records. Please submit to the following address or email: Southwestern Water Conservation District, 841 E. 2nd Avenue, Durango, CO 81301, *or* morock@swwcd.org. Once your grant application is received, it will be reviewed by SWCD staff to ensure that it meets the minimum requirements before consideration by the Board. Staff will endeavor to share its funding recommendation with the Applicant prior to the meeting.

The Board will review and consider grant applications at the first Regular Board meeting in 2024. Applicants are encouraged to attend the meeting at which the funding requests will be considered, either in person or virtually, so that they can provide a **brief summary** of their grant request and answer questions that may arise.

For questions about the application or board meeting, please contact SWCD staff by phone (970-247-1302) or e-mail (morock@swwcd.org). For your reference, agendas are generally posted to the swwcd.org website one week prior to regular board meetings.

5. Evaluation Criteria

Grant proposals will be evaluated based on how well the proposed project, study, or educational request carries out the purposes, mission, and strategic priorities of SWCD. The Board will give special consideration to grant proposals that further the use or protection of pre-compact water rights and the development of Colorado River Compact entitlements as well as educational-related requests that complement or otherwise further SWCD's existing programs.

Furthermore, Applicants must demonstrate adequate shareholder assessments and reserves for ongoing operation, maintenance, and repair of their infrastructure. The Board will give favorable

consideration to grant proposals from Applicants that are proactively and financially planning for their own future needs.

6. Disbursement of Grant Funds

Once a grant application has been reviewed and approved by the Board, a request for the release of grant funds may be made during 2024. If the Applicant will not be able to use the funds in that year, please contact the SWCD office as soon as possible.

For grant funds to be released, the Applicant must complete the following tasks:

1. Sign the “Document of Understanding” that accompanies the grant approval letter sent by SWCD;
2. Complete a “Request for Release of Funds” form found on the SWCD [website](#);
3. Provide written documentation that all committed matching funds have been secured; and
4. Provide written documentation that the Applicant continues to be a “qualified entity”, documentation can include but is not limited to; articles of incorporation, corporate bylaws, or [a certificate of good standing](#) from the Colorado Secretary of State.

The signature of the Applicant’s authorized representative on the “Request for Release of Funds” form indicates that the funds are needed at that time and that the Applicant ensures and verifies that the funds are only being used for the specific purpose(s) described in the application and amount(s) indicated in SWCD’s grant approval letter. The Applicant agrees to allow SWCD to display a public notice identifying the project or activity as being partially funded by the SWCD. Additional documentation may be requested at SWCD’s discretion before the release of funds.

In the event the project, study, or program for which the grant was awarded ultimately comes in under budget, the grant recipient must return a pro-rata portion of the remaining funds to SWCD within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget and SWCD contributed 20% of the total anticipated project costs, then the grant recipient must return \$4,000 (20% of \$20,000) to SWCD.

7. Changing the Use of Funds

If the Board approves funding for the application, and at a future date the intended use of funds changes, please notify staff as soon as possible. Board review and approval of the change is necessary. Otherwise, SWCD requires reimbursement of funds.

8. Grant Extension Requests

If the Board approves funding for the application, and completion of the project, study, program, or other grant-funded task has not occurred in 2024, the Applicant must submit a written grant extension request to SWCD Staff describing the progress to date and the projected timeline for completion. At that time, Staff may elect to approve an extension.

Grant extensions are usually limited to one year. However, the Board may at its option: approve grant extensions of more than one year; require the Applicant to submit a new application; or require any previously disbursed spent or unspent grant funds to be returned.

9. Annual Reporting Requirement

If the Board approves funding for the application, the Applicant must provide a written report and/or supporting documentation of the work accomplished no later than December 31, 2024. This written report must include a detailed accounting of the use of SWCD funds including supporting documentation for any expenses incurred, as well as a detailed outline of the total project budget spent. Additional documentation may be requested at the discretion of SWCD. See sample final reports at swgcd.org. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024, which explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision or submit an unacceptable final report.

10. Loans

Loans and/or loan-grant packages may be approved for water-related projects or construction, studies, educational programs, and sponsorships. The terms and security for payment will be determined at the time the loan is approved. All documents required by SWCD for the loan shall be executed before SWCD will release the approved loan amount. Documents that SWCD, at its sole discretion, may require to include, but may not be limited to, a loan agreement, promissory note, deed of trust for real property, and/or a uniform commercial code financing statement for personal property.

2023



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters of the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
IN SOUTHWESTERN COLORADO

2023 GRANT PROGRAM GUIDELINES

A. BACKGROUND

The Southwestern Water Conservation District (“SWCD”) is a political subdivision of the State that was established by the Colorado General Assembly in 1941 to protect, conserve, use and develop the water resources of the San Juan and Dolores River Basins as well as to safeguard all waters to which the state of Colorado is equitably entitled.¹ SWCD periodically offers financial assistance in the form of grants to “qualified entities,” as that term is defined below in Section C.1, that are carrying out projects consistent with SWCD’s statutory purposes. Funding for this program is subject to SWCD’s discretion as well as its annual budget and appropriation process. The Board retains the right, in its sole discretion, to approve, reduce, or deny any grant request.

Prior to applying, please ensure you as the Applicant can answer “yes” to each of the following questions:

- Are you a qualified entity (see page 3)?
- Are you located within the District boundaries (see page 3)?
- Is the project anticipated to start and finish in 2023 (see page 3)?
- Are you providing cash or in-kind match of at least 25% of the total project cost (page 4)?
- Is the SWCD grant request for less than 50% of the total project cost (page 4)?
- Have you spoken with SWCD staff (Laura Spann, 970-247-1302) about the project and grant application prior to submission?

B. GENERAL PROGRAM INFORMATION

For the 2023 grant program, applications may be submitted from November 1st through December 9th of 2022. Applicants are encouraged to submit their application as early as possible within the given time frame so that there is adequate time to work with SWCD staff to ensure that the application meets all requirements in advance of the December 9th deadline. Funding for emergency situations may be considered by the board as they occur. Applications received after

¹ See C.R.S. § 37-47-101 through -151.

2023

December 9, 2022 will not be considered. Final decisions will be made by the board no later than March 1, 2023.

The deadlines provided above apply to routine grant requests and may be modified to address emergency situations. SWCD understands that emergency situations may arise from catastrophic or unforeseen events, such as flooding, at other times of the year. The Board endeavors to annually allocate a portion of the grant program funds for emergency requests. Examples of emergency situations include but are not limited to: flood event causing damage to diversion or measurement structures, catastrophic canal or pipeline failure that prevents the delivery of water, spillway or dam failure, regulatory restrictions, wildfire impacts including post-fire runoff and other impacts, and toxic spills. Please contact SWCD staff directly if this occurs to discuss the possibility of submitting an emergency grant application.

SWCD annually anticipates receiving grant requests well in excess of the available funds. The maximum amount of money potentially available from SWCD in the 2023 calendar year for all grant recipients is shown on the table below.

Grant Funding Category	Proposed 2023 Funds Available (Total Grant Program \$250,000)	<u>Annual</u> Maximum Grant Request per Applicant per Category	<u>Five-Year</u> Maximum for Grant Funds Received per Applicant per Category
Development or improvement of water supply and watershed restoration or enhancement projects, including related design, engineering and construction	\$125,000	\$60,000	\$120,000
Studies and facilitating stakeholder involvement on water-related matters, including water quality	\$50,000	\$20,000	\$40,000
Educational purposes, including teaching seminars, workshops and related programs	\$10,000	\$5,000	\$10,000
Emergency requests	\$65,000	N/A	N/A

If, as part of budget development for the upcoming fiscal year, the board adjusts the total grant program funding available, funding allocations by category will be adjusted proportionally. Prior to submitting an application, please [visit SWCD's website](#) to read the latest proposed 2023 grant funding available.

2023

Any member of SWCD’s Board of Directors or Staff with a financial or property interest in a grant request will disclose any such interest or other conflict of interest and recuse themselves from participating in any recommendation, vote, or decision-making process related to that grant request.

C. ADDITIONAL REQUIREMENTS

1. ELIGIBILITY

SWCD will only consider financial assistance requests from “qualified entities” for: (1) development or improvement of water supply and watershed restoration or enhancement projects, including related design, engineering and construction, (2) studies and facilitating stakeholder involvement on water-related matters, including water quality, (3) educational purposes, including teaching seminars, workshop, and related programs, and (4) emergency situations.

“Qualified entities” are defined by statute to include any public entity, non-profit corporation, not-for-profit corporation, carrier ditch company, mutual ditch or reservoir company, unincorporated ditch or reservoir company, or cooperative association within the boundaries of the District.² All projects, studies, and program grants will be limited to “raw” or untreated water supplies, except as provided below. Only projects or portions of projects located within the District’s boundaries are eligible for grant funding.

SWCD will not consider grant requests or funding for:

- a. Projects that have already been completed; however, the board may make an exception for projects completed within the past six months arising from the emergency situations described on page two of these guidelines;
- b. Municipal or domestic drinking water projects that do not qualify as a “public water system,” which is defined for the purposes of these guidelines to mean any system that does not have a public water system ID number with the state of Colorado;
- c. Any part of a municipal or domestic “public water system” which is unrelated to raw water storage or delivery. Applications for eligible portions of public water system should include the state ID number for the system;
- d. Wastewater treatment projects;
- e. Legal fees or payroll costs. If your project includes these costs, please identify them as a separate line-item in the proposed budget and explain how you will pay for those costs without using SWCD grant funds;
- f. Grant administration costs; or

² C.R.S. § 37-47-107(1)(j.5).

2023

- g. Weed management projects, although consideration will be given to programs that specifically remove phreatophytes if the Applicant demonstrates it has a plan, including funding, for appropriate revegetation and ongoing maintenance.

2. MATCHING CONTRIBUTIONS

SWCD will not award a grant for more than 50% of the total project costs,³ and Applicants must demonstrate that they are actively contributing to the project for which they are requesting a grant. Any grant approval will be contingent on the recipient demonstrating prior to disbursement of the grant that the Applicant has secured funding for the remaining total project costs.

In addition, Applicants or beneficiaries of the proposed project must also demonstrate that they will provide, through a cash contribution and/or in-kind goods or services, at least 25% of the total project costs (in other words, half of the matching funds). Applications proposing use of in-kind goods and services as all or a portion of the required matching contribution must provide detailed information identifying time and valuation (at an hourly or total project rate) of in-kind contributions. The Board may, at their option, consider previous expenditures directly related to the proposed project as matching contributions if those expenditures occurred within six months of the grant application deadline.

The Applicant's 25% match cannot be met through a loan from SWCD.

Non-profit, or non-governmental organizations, serving on behalf of a broad group of local constituents that do not receive tax revenues and do not have opportunities for third party contributions for the project, may request a reduction of the match requirement to 10% of the total project cost (subject to approval by the Board) by garnering and documenting strong community or watershed support for the project.

3. LIMITS ON GRANT FUNDING

The amount of funding each "qualified entity" may receive from SWCD is further limited to the following:

- a. Recipients of grants for development or improvement of water-related projects may not receive more than \$60,000 in a single year or a total of \$120,000 in any given five (5) year period.
- b. Recipients of grants for participation in public forums and the performance of studies may not receive, more than \$20,000 in any single year or a total of \$40,000 in any given five (5) year period.
- c. Recipients of grants for educational purposes may not receive more than \$5,000 in a single year or a total of \$10,000 in any given five (5) year period.

³ For multi-phase projects, "total project costs" shall mean all costs related to the particular phase of the project for which the Applicant is requesting funding.

2023

Additional funds, outside of SWCD's grant program, may be available through SWCD's loan program. Please review Section I below or contact SWCD staff to find out more about SWCD's loan program.

4. APPLICATION INSTRUCTIONS AND PROCESS

Completion of SWCD's application form is required for SWCD to consider requests for financial assistance. The Board will not consider applications that do not meet the minimum requirements. To ensure consideration for funding by SWCD, please apply for a grant before the water project, study or educational program has been initiated. Please use the following application:

[General Application for Financial Assistance 2023](#)

Each application should be typed or printed legibly and include, at a minimum, the following:

- a. Documentation confirming the Applicant is a qualified entity per the definition on page 2 of these guidelines. Examples of proper documentation include (but are not limited to) articles of incorporation, corporate bylaws, or a Certificate of Good Standing from the Colorado Secretary of State;
- b. Project type, description and location, including the county or counties within which the grant funds will be applied;
- c. Total grant amount requested;
- d. Total project cost⁴;
- e. Anticipated timeline for the project, study or educational request;
- f. Matching contributions provided by or requested from other funding partners, including the anticipated decision date for those funding requests if not already approved;
- g. Detailed project expense budget, including as a percentage of the total any costs of administering the grant;
- h. Applicant's matching contributions, including a detailed description of in-kind materials and services, if any, to be provided by the Applicant should be included with basis for in-kind valuations;
- i. Applicant's current financial statements, including a summary of reserves and assessments that demonstrate adequate financial resources for ongoing operation, maintenance, and repair;

⁴ If the requested grant will be used to fund part of a multi-phase project, please provide a summary, including a total project cost estimate and anticipated timeline, for completion of the overall project.

2023

- j. Identification of whether, and if so how, the requested grant will aid in the development, use, or protection of pre-compact water rights, along with a “Water Rights Tabulation” report from the Colorado Division of Water Resources;
- k. Identification of project partners and beneficiaries; and
- l. Summary of Applicant’s previous funding requests and grant awards from SWCD.

Please attach additional sheets as necessary to fully answer any question to assure that all information that might be helpful in evaluating your application is considered. Please return the **signed copy** of the application to Southwestern Water Conservation District and retain a copy for your records. Please submit to the following address or email: Southwestern Water Conservation District, 841 E. 2nd Avenue, Durango, CO 81301 *or* lauras@swgcd.org. Once your grant application is received, it will be reviewed by SWCD staff to ensure that it meets the minimum requirements before consideration by the Board. Staff will endeavor to share its funding recommendation with the Applicant prior to the meeting.

The Board will hold a meeting in February 2023 to review and consider the applications. Applicants are encouraged to attend the meeting at which the funding requests will be considered, either in person or by phone, so that they can provide a brief summary of their grant request and answer questions that may arise. The Board requests a thorough, completed application form be submitted in lieu of a formal presentation.

For questions about the application or board meeting, please contact SWCD staff by phone (970-247-1302) or e-mail (lauras@swgcd.org). For your reference, agendas are generally posted to the swgcd.org website one week prior to regular board meetings.

D. EVALUATION CRITERIA

Grant proposals will be evaluated based upon how well the proposed project, study or educational request carries out the purposes of the SWCD. The Board will give special consideration to grant proposals that further the use or protection of pre-compact water rights and the development of Colorado River Compact entitlements as well as educational-related requests that complement or otherwise further SWCD’s existing programs.

Furthermore, Applicants must demonstrate adequate shareholder assessments and reserves for ongoing operation, maintenance, and repair of their infrastructure. The Board will give favorable consideration to grant proposals from Applicants that are proactively and financially planning for their own future needs.

E. FUNDS DISBURSEMENT

Once a grant application has been reviewed and approved by the Board, a request for the release of grant funds may be made during 2023. If the Applicant will not be able to use the funds in that year, please contact the SWCD office as soon as possible.

2023

For grant funds to be released, the Applicant must:

1. Sign the “Document of Understanding” that accompanies the grant approval letter;
2. Complete a “Request for Release of Funds” form found on the [website](#);
3. Provide written documentation that all committed matching funds have been secured; and
4. Provide written documentation that confirms the Applicant continues to be a qualified entity (see examples of appropriate documentation on page 5).

The signature of the Applicant’s authorized representative on the “Request for Release of Funds” form indicates that the funds are needed at that time and that the Applicant ensures and verifies that the funds are only being used for the specific purpose(s) described in the application and amount(s) indicated in SWCD’s grant approval letter. The Applicant agrees to allow SWCD to display a public notice identifying the project or activity as being partially funded by the SWCD. Additional documentation may be requested at SWCD’s discretion prior to release of funds.

In the event the project, study, or program for which the grant was awarded ultimately comes in under budget, the grant recipient must return a pro-rata portion of the remaining funds to SWCD within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget and SWCD contributed 20% of the total anticipated project costs, then the grant recipient must return \$4,000 (20% of \$20,000) to SWCD.

F. CHANGING THE USE OF FUNDS

If the Board approves funding for the application, and at a future date the intended use of funds changes, please notify staff as soon as possible. Board review and approval of the change is necessary. Otherwise, SWCD requires reimbursement of funds.

G. GRANT EXTENSION REQUESTS

If the Board approves funding for the application, and completion of the project, study, program or other grant-funded task has not occurred in 2023, the Applicant must submit a written grant extension request to SWCD Staff describing the progress to date and the projected timeline for completion. At that time, Staff may elect to approve a one-year extension.

Grant extensions are usually limited to one year. However, at its option, the Board may approve grant extensions of more than one year, the Applicant may be required to submit a new application, or if funds have already been disbursed, the Board may request that the funds be returned.

H. ANNUAL REPORTING REQUIREMENT

If the Board approves funding for the application, the Applicant must provide a written report and/or supporting documentation of the work accomplished no later than December 31,

2023

2023. This written report will include a detailed accounting of the use of funds including supporting documentation for any expenses incurred. Additional documentation may be requested at the discretion of SWCD. See sample final reports at swxcd.org. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2023 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

I. LOANS

Loans and/or loan-grant packages may be approved for water-related projects or construction, studies, educational programs, and sponsorships. The terms and security for payment will be determined at the time the loan is approved. All documents required by SWCD for the loan shall be executed before SWCD will release the approved loan amount. Documents that SWCD, at its sole discretion, may require include, but may not be limited to, a loan agreement, promissory note, deed of trust for real property, and/or a uniform commercial code financing statement for personal property.

THE SOUTHWESTERN WATER CONSERVATION DISTRICT
 Developing and Conserving the Waters of the
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
 IN SOUTHWESTERN COLORADO

2024 APPLICATION FOR FINANCIAL ASSISTANCE

**Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

1 - APPLICANT INFORMATION	
Name of Qualified Entity	*
Type of Qualified Entity	* <i>*listed on Page 3 of the Grant Guidelines</i>
Mailing Address	*
Federal ID Number	
Public Water System ID	
Contact Person 1	*
Title	*
Phone Number	*
Email	*
Contact Person 2	
Title	
Phone Number	
Email	

2 - WATER ACTIVITY SUMMARY	
Date of Submittal	*
Type of Submittal	* <i>*grant, loan, or a combination thereof</i>
Project Name	*
Applicant	*
River Basin & County	*
Amount Request	*
Total Project Cost	*
Applicant Match	*
Use of Funds Year	2024

3 - WATER ACTIVITY CATEGORY		
X*	Limit	Category
	\$60,000	Water Supply/Watershed Restoration: Water supply or watershed restoration or enhancement projects, including design, engineering, and construction
	\$20,000	Public Forums/Studies: Public forums, workgroups, studies, planning efforts
	\$10,000	Education: Teaching seminars, workshops, and related programs
	\$50,000	Emergency: Situations arising from catastrophic or unforeseen events
Note: The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board.		

2024 SWCD Financial Assistance Checklist

4 - SWCD SUBMITTAL CHECKLIST	
	*I acknowledge I have read and understand the 2024 SWCD Grant Program Guidelines .
	*The request does not exceed 50% of the total project cost
	*The applying organization is funding at least 25% of the total project cost
	*The request is for funds to be used in 2024, for a project to be completed in 2024
	*I understand that SWCD does not fund payroll, legal, or grant administration costs
	*I have included a <u>detailed</u> project expense budget
	*I have included a <u>detailed</u> project funding budget.
	*I have consulted with SWCD staff to ensure all minimum criteria have been met
	*I have gathered all of the required attachments indicated below
	* The Application is ONE PDF - including attachments in the order indicated below

5 - ATTACHMENT CHECKLIST		
*Attach in this order	Status	Section
*Qualified entity - <i>see guidelines</i>	Required	1
*Financial statements to demonstrate adequate reserve - <i>no more than 5 pages</i>	Required	6
Map and/or photos of project location	Optional	7
Measurable results	Optional	7
“Water Rights Tabulation” Report	Optional	7
Water project timeline supporting documents	Optional	8
Feasibility study/assessments done for the project	Optional	9
Water activity budget supporting documents	Optional	10
Matching requirement supporting documents	Optional	11
*Detailed Expense and Funding Budget - <i>can use space provided in the application</i>	Required	12
Applicant liability or indebtedness supporting documents	Optional	14
Letters of Support	Optional	16

Frequently Asked Questions:

Q: What documentation do I need to submit to prove we’re a “Qualified Entity”?

A: Examples of proper documentation include (but are not limited to) articles of incorporation, corporate bylaws, or a Certificate of Good Standing from the Colorado Secretary of State.

Q: Should I gather everything I need for my application before reaching out to SWCD Staff?

A: The more you can gather, the easier the process will be - feel free to reach out to staff at any point in the application process and we can help answer any questions you may have.

Q: Why are there word/page limits on some application sections, what if I need more space?

A: Limits are set to give you an idea on how detailed answers need to be and to help staff review your application, please reach out if you have any concerns about these limits.

Please refer to our [FAQ Page](#) for other frequently asked questions.

6 - APPLICANT DESCRIPTION

*Provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment. (250-word max)

*Describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means. (250-word max)

7 - PROJECT DESCRIPTION

*Provide a narrative description of the activity's physical location, as well as its purpose. Additionally, provide a description of the water supply source to be utilized or the water body affected by the project. (200-word max)

If possible, include measurable results such as acres served, watersheds impact, types of crops, number of taps, length of ditch improvements, length of pipe installed, area of habitat improvements, or students impacted. Photos, maps, or other graphics can be inserted here or attached.

*What are the benefits of the project? Consider the following prompts in your answer, hitting all points if possible:

1. How does the project assist SWCD in furthering its statutory mission to protect, conserve, use, and develop the water resources of southwestern Colorado, as well as safeguard all waters to which Colorado is entitled?
2. In February of 2022, SWCD adopted a strategic plan with six strategic priorities, [read the priorities here](#). Which priorities does this project satisfy and how?
3. Does your project enhance or preserve any pre-compact water rights? If so, please describe the amount, appropriation date and adjudication date of these water rights .

Additionally, attach a “Water Rights Tabulation” report from the Colorado Division of Water Resources (DWR). (750-word max)

For help acquiring water rights information, call DWR (San Miguel Basin: 970-249-6622, Other Basins: 970-247-1845).

--

8 - WATER PROJECT TIMELINE

*Provide a narrative description of the timeline for the project’s major tasks and/or a detailed outline (250-word max)

--

9 - ENGINEERING AND LEGAL FEASIBILITY

*Will the Project require the acquisition of additional water rights or a change of existing water rights? If yes, please explain. (150-word max)

--

*Will the Project require local, state or federal regulatory permits of any type? If yes, please explain. (150-word max)

--

List below and attach to this application any feasibility studies or investigations that have been completed or are now in progress for the proposed project. (200-word max)

--

10 - MATCHING REQUIREMENTS

*Applicants must demonstrate that they are actively contributing to the project for which they are requesting funding. Any grant approval will be contingent upon the recipient ultimately demonstrating that they have secured funding for the full project cost.

In addition, applicants must also demonstrate that they will provide, through a cash contribution and/or the performance of in-kind services, at least 25% of the total project costs. See the guidelines for more information. Attach additional information if necessary.

Contributing Entity	Amount	In-Kind or Cash	Approval Date or Anticipated Approval Date
Total Applicant Match (At Least 25%)			
Total Other Funding			
SWCD Request (Up to 50% of Project Cost)			
Total Project Cost			

11 - WATER PROJECT BUDGET

*Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment. *Describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project.

Task/Materials Description	Funded By (Applicant, SWCD, Other)	Amount
Total Project Cost		
Grant Administration Costs as a Percentage of Total Project Cost		

12 - WATER ACTIVITY BUDGET

Provide any narrative description of the project expense and funding budget that is necessary. (200-word max)

*Please include a detailed description of in-kind materials and services, if any, along with the basis for in-kind valuations. Attach supporting documentation if necessary.

13 - PREVIOUS SWCD AWARDS AND REQUESTS

understand the program requirements, and I submit this application, which is complete and true to the best of my knowledge.

Should the grant funds be awarded, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD’s grant approval letter.

I understand that grant funding may be requested when needed in 2024. Upon the District’s receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District’s 2024 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District’s Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2024, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.

_____	_____
Signature	Date
Printed Name _____	
As Authorized Representative for _____	

Please sign and submit the completed application as one PDF via email to morock@swgcd.org or mail it to SWCD 841 E. 2nd Ave., Durango, CO 81301.

2023



THE SOUTHWESTERN WATER CONSERVATION DISTRICT
 Developing and Conserving the Waters of the
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
 IN SOUTHWESTERN COLORADO

2023 GENERAL APPLICATION FOR FINANCIAL ASSISTANCE

SWCD SUBMITTAL CHECKLIST	
Required, Please Initial	
<input type="checkbox"/>	I acknowledge I have read and understand the 2023 SWCD Grant Program Guidelines .
<input type="checkbox"/>	I have attached documentation that the applicant is a “qualified entity” (see guidelines).
<input type="checkbox"/>	I have attached the applicant’s financial statements to demonstrate adequate reserves.
<input type="checkbox"/>	The financial request to SWCD does not exceed 50% of the total project cost.
<input type="checkbox"/>	The applying organization is funding at least 25% of the total project cost.
<input type="checkbox"/>	The request is for funds to be used in 2023, for a project to be completed in 2023.
<input type="checkbox"/>	I understand that SWCD does not fund payroll, legal, or grant administration costs.
<input type="checkbox"/>	I have included a <u>detailed</u> project expense budget.
<input type="checkbox"/>	I have included a <u>detailed</u> project funding budget.
<input type="checkbox"/>	I have consulted with SWCD staff to ensure all minimum criteria has been met.
Optional	
<input type="checkbox"/>	Feasibility and/or Engineering Studies
<input type="checkbox"/>	Maps or Photos
<input type="checkbox"/>	Letters of Support

WATER ACTIVITY SUMMARY			
Date of Submittal			
Type of Request	Grant	Loan	Grant/Loan Package
Project Name			
Applicant			
Project Location (River Basin & County)			
Amount of Request			
Total Project Cost			
Applicant Match			
Year for Use of Funds			

WATER ACTIVITY CATEGORY		
X	Limit	Category
<input type="checkbox"/>	\$60,000	Water Supply/Watershed Restoration: Water supply or watershed restoration or enhancement projects, including design, engineering, and construction
<input type="checkbox"/>	\$20,000	Public Forums/Studies: Public forums, workgroups, studies, planning efforts
<input type="checkbox"/>	\$5,000	Education: Teaching seminars, workshops, and related programs
<input type="checkbox"/>	N/A	Emergency: Situations arising from catastrophic or unforeseen events

Note: The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board. Review the [guidelines](#) carefully and consult staff if needed (970-247-1302).

2023

APPLICANT INFORMATION	
Name of Qualified Entity	
Type of Qualified Entity (See Guidelines)	
Mailing Address	
Federal ID Number	
Public Water System ID (if applicable)	
Contact Person	
Position/Title	
Phone Number	
Email	

APPLICANT DESCRIPTION
<p>Please provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment.</p> <p>Please describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means.</p>

WATER ACTIVITY DESCRIPTION
<p>Please provide a narrative description of the activity's physical location, as well as its purpose and benefits. Provide a description of the water supply source to be utilized or the water body affected by the project. If possible, include measureable results such as acres served, watersheds impact, types of crops, number of taps, length of ditch improvements, length of pipe installed, area of habitat improvements, or students impacted. Photos, maps, or other graphics can be inserted here or attached.</p> <p>Please explain how the project assists SWCD in furthering its statutory mission to protect, conserve, use, and develop the water resources of southwestern Colorado, as well as safeguard all waters to which Colorado is entitled. <u>Specifically, if you project enhances or preserves any pre-compact water rights, please describe the quantities, appropriation dates, and adjudication dates of those rights.</u> Please attached a "Water Rights Tabulation" report from the Colorado Division of Water Resources (DWR). For help acquiring water rights information, call DWR (San Miguel Basin: 970-249-6622, Other Basins: 970-247-1845).</p>

2023

WATER PROJECT TIMELINE

Please provide a narrative description of the timeline for the project's major tasks and/or a detailed outline.

ENGINEERING AND LEGAL FEASIBILITY

Will the Project require the acquisition of an additional water right or change of existing water rights? If yes, please explain.

Will the Project require state or federal regulatory permits of any type? If yes, please explain.

Please list below and attach to this application any feasibility studies or investigations that have been completed or are now in progress for the proposed project.

WATER ACTIVITY BUDGET

Please provide any narrative description of the project expense and funding budget that is necessary. Please provide the anticipated decision date for those funding requests that have not already been approved.

Please include a detailed description of in-kind materials and services, if any, along with the basis for in-kind valuations.

2023

MATCHING REQUIREMENTS

Applicants must demonstrate that they are actively contributing to the project for which they are requesting funding. Any grant approval will be contingent upon the recipient ultimately demonstrating that they have secured funding for the full project cost.

In addition, applicants must also demonstrate that they will provide, through a cash contribution and/or the performance of in-kind services, at least 25% of the total project costs. See the guidelines and speak to staff for further clarification. Attach additional information if necessary.

Contributing Entity	Amount and Form of Match (please note whether cash or in-kind)
Total Applicant Match (At Least 25%)	\$
Total Other Funding	\$
SWCD Request (Up to 50% of Project Cost)	\$
Total Project Cost	\$

WATER PROJECT BUDGET

Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment.

Note: Please describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project.

Task/Materials Description	Funded By (Applicant, SWCD, Other)	Amount
Total Project Cost		\$
Grant Administration Costs as a Percentage of Total Project Cost		%

PREVIOUS SWCD AWARDS AND REQUESTS

Please list all previous request and awards from SWCD by year, amount, and project title. Please ensure that your entity does not exceed the five-year limits on awards outlined in the [guidelines](#).

2023

APPLICANT LIABILITY OR INDEBTEDNESS

Please list any existing long-term liability (multi-year) or indebtedness that exceeds one thousand dollars. This might include bank loans, government agency loans, or bond issues. Please provide the lender name, address, remaining principal, annual payment, and maturity date. If any of these liabilities are currently in default or have been in default at any time in the past, please provide a detailed explanation. Attach a separate schedule as necessary.

FOR LOAN REQUESTS

Please identify all revenue sources for the applicant that would be available to repay SWCD should financial assistance be offered in the form of a loan.

APPLICANT SIGNATURE

By signing below, I acknowledge I have read the 2023 SWCD Grant Program guidelines, I understand the program requirements, and I submit this application, which is complete and true to the best of my knowledge.

Should the grant funds be awarded, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD’s grant approval letter.

I understand that grant funding may be requested when needed in 2023. Upon the District’s receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District’s 2023 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District’s Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2023, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2023 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If progress toward completion of the project has not occurred in 2023, I understand that it is necessary to submit a written grant extension request.

2023

Signature _____

Date _____

Printed Name _____

As Authorized Representative for _____

Please sign and submit the completed application and any supplemental information via email to lauras@swgcd.org or mail it to SWCD 841 E. 2nd Ave., Durango, CO 81301.

Do not hesitate to contact staff with any questions as you develop your application:
Laura Spann, 970-247-1302, lauras@swgcd.org.

BOARD MEMORANDUM

From: Mo Rock, Programs Coordinator

Subject: Drought Summit in Denver

Date: June 26, 2023

On May 31st and June 1st, 2023 I attended the Colorado Drought Summit. This two-day event was a mix of presentations and panel discussions given by water professionals throughout Colorado. The presentations were generally more focused on the science of the drought we are currently in, or more accurately aridification – I enjoyed the Keynote speaker and his use of adding photos to tell the story of climate change in the West. The panels delved deeper into various topics – I summarized these with some notes below.

Presentations I attended:

Drought Planning – Gretel Follingstad (National Integrated Drought Information System)

Climate Change in Colorado – Becky Bolinger, Jeff Lukas, Peter Goble (CSU Climate Center)

Building Resilient Communities – Waverly Klaw (Sonoran Institute)

Resilient Funding – Marguerite Harden (DOLA)

Keynote Speaker – Pete McBride (Award-Winning Photographer, Filmmaker, Author, & Speaker)

Panels I attended:

Rethinking the Home Turf (Landscapes in Drought) – Urban Landscape Conservation Task Force Workshop – Jenna Battson (CWCB), Greg Fisher (Denver Water), Amy Moyer (Colorado River

District), Tim York (Aurora Water), Jarrod Biggs (City of Durango), Moderator – Marjo Curgus (Del Corazon Consulting)

This panel focused on urban areas and making the transition from turf to a more environmentally sustainable alternative. It was interesting to see the different programs in place, especially in metro areas, and how many people were interested in pursuing turf replacement. It was acknowledged that the status quo is still turf, and that needed to change.

Stronger Together (Climate Vulnerabilities and Disproportionately Impacted Communities) -- Rani Kumar (CDPHE), Raj Pandya (AGU Thriving Earth Exchange), Jessica Thrasher (Colorado Water Center), Moderator – Heather Yocum (CU Boulder/Western Water Assessment)

This was one of my favorite panels and it largely discussed DEI in the water space. It also focused on creating a common language, both providing second language materials and creating water language that isn't exclusive to the water community. One takeaway that I had was rather than refereeing to 'underprivileged communities' or 'low-income communities' calling them 'communities that have been denied the opportunity to generate wealth'. I liked that the panel wasn't just water professionals, but water tied into their work outside of 'this world'.

Progress at the Speed of Trust -- Greg Felt (Chaffee County Commissioner/CWCB Board), Kathleen Curry (Consultant), Jim Yahn (North Sterling Irrigation District), Ernest House Jr. (Keystone Policy Center/Ute Mountain Ute Tribe/IBCC), Moderator – Kelsea Macilroy (Langdon Group)

This panel was largely the theme of the drought summit – trust. It was interesting to learn what each panelist thought of trust. I thought Kathleen Curry's account of breaking trust was the most memorable, where she moved a bill that her hometown constituents highly opposed – leading to decades of distrust. She acknowledged that she wouldn't change moving the bill, but would have provided more education around the bill, and invited more people a seat at the table. I also liked Ernest's story about Covid and inviting his whole community to a daily community health board meeting – which led to a successful team. The big takeaway was that more seats at the table allow for a more trustful process.

Quality and Quantity - Mazdak Arabi (CSU), Torie Jarvis (NWCOG), April Long (City of Aspen/WQCC), Jessica Brody (Denver Water/CWCB Board), Robert Sakata (Farmer/CWCB Board), Cindy Lair (CDA), Moderator – Barb Biggs (Roxborough Water & Sanitation District)

This panel tied together the two, often separate, notions of water quality and water quantity. It was interesting to dive deeper into how they are so weaved together, when policy and conversation usually separate them.

Storage, Conservation and Innovation – Sean Chambers (City of Greeley), Peter Mayer (Water DM), Taylor Hawes (TNC), Lorelei Cloud (Southern Ute Tribe/CWCB Board), Amy Moyer (Colorado River District), Moderator – Amy Osdiek (CWCB)

This was less of a 'chat' and more of a panel of folks giving presentations, it was informative, but did not allow for questions or real conversation beyond their initial statements. It reflected the narrative that the upper basin states have continued to make compromises and giving water while the lower basin continues to overdraw the river.

The Nature of Water (Exploring Nature Based Solutions) - Abby Burk (Audubon Rockies, Christina Burri (Denver Water, Brad Johnson (Consultant), Katie Jagt (Watershed science and design), Moderator – Kelly Romero – Heaney (DNR)

This panel focused on natural solutions to drought/aridification problems. It was interesting to hear about the different natural solutions that there are, and how some can be scaled to fit the most urban areas. Hearing about the benefits of natural solutions is always refreshing, and cool to see how the environment really takes a little help and pushes it a long way.

Life on the Ditch (Mutual Ditches, Acequias, and more) -- Ronda Labato (Costilla County/Acequia Community Andy Pineda (Larimer and Weld Irrigation Company), Joe Frank (Lower South Platte Water Conservancy District), Tina Bergonzini (Grand Valley Water Users Association), Moderator – Matt Lindburg (Brown and Caldwell)

This panel was focused on ditches and the communities around water infrastructure. I found the conversation on Acequia's the most interesting since whole communities share water off the ditch and rotate watering days so that everyone gets equal water, even in years of drought. The communities also come together to clean the ditches and pass down the knowledge about the river – these systems were the first ditches in Colorado. Overall, all the panelists were interesting and showed how complicated ditch operations can be – especially at the scale some of the presenters were working at.

Growing a Drought Resilient Future – Marianne Eppig (Urban Landscape Institute), Pat McMeekin (Hartford Homes), Will Sarni (Water Foundry Ventures), Paul Chinowsky (Resilient Analytics), Elizabeth Garner (Dola), Moderator – Gretel Follingstad (NIDIS).

This panel focused on how population growth and housing developments need to keep evolving to include Colorado's water future. It was interesting to find that overall Colorado's population growth has slowed down compared to the last 30 years. I also found the conversation on what new housing developments are doing to conserve water interesting – including removing turf, updating fixtures, and making homes more efficient.

Additionally, the summit was recorded! If you are interested the recordings can be found here:

Drought Summit [Day 1](#)

Drought Summit [Day 2](#)



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
**West Building – 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302**

June 20, 2023

Bureau of Land Management
Attn: James Lovelace
Gunnison Field Office
2500 East New York Ave.
Gunnison, CO 81230

RE: Comments on Environmental Assessment (DOI-BLM-CO-S060-2023-0007-EA) for the Mineral Point Ditch Acquisition

Dear Mr. Lovelace:

The Southwestern Water Conservation District (SWCD) appreciates the opportunity to submit these comments on the draft Environmental Assessment for the Mineral Point Ditch Acquisition (the “draft EA”).

SWCD was created in 1941 by the Colorado General Assembly (CRS 37-47-101 et seq.). SWCD is comprised of all or part of nine counties in southwestern Colorado: Archuleta, Dolores, La Plata, Montezuma, San Juan, San Miguel, and parts of Hinsdale, Mineral, and Montrose. SWCD’s statutory authority is to protect, conserve, use, and develop the water resources of the San Juan and Dolores River Basins for the welfare of the SWCD, and safeguard for Colorado all waters to which the state is entitled. Following this mandate, SWCD has assumed a broad strategic role on behalf of its diverse constituents for more than 80 years.

The Bureau of Land Management’s potential acquisition of the Mineral Point Ditch is of particular interest to SWCD because this ditch originates within SWCD’s boundaries and presently exports water out of the Upper Animas River watershed, which is tributary to the San Juan River Basin. **In general, SWCD supports the proposed action to acquire all property interests associated with the Mineral Point Ditch, including any associated transbasin water right(s), and permanently cease the out-of-basin transfer of water from the Animas River headwaters.** However, we do offer the following comments/questions for consideration:

- The draft EA describes a number of instream flow and other environmental benefits along Burrows Gulch and the Upper Animas River that will occur once BLM stops operating the Mineral Point Ditch. As presently drafted, whether intentional or not, the draft EA seems to imply BLM intends to apply to Water Court to change any transbasin water rights associated with the Mineral Point Ditch so that this water may be used within a decreed instream flow right along Burrows Creek. *See* Section 1.3 – Purpose and Need (providing “BLM would coordinate closely with CWCB and Southwestern Water Conservation District to commit the acquired water right to instream uses.”). While SWCD supports BLM’s efforts to achieve the stated environmental objectives within this headwaters area, we believe the draft EA should be revised to recognize that there may be other, more preferable legal mechanisms available to achieve these objectives so long as the Mineral Point Ditch and its associated infrastructure are removed and water is no longer diverted and conveyed out of the Animas River Basin. SWCD supports the BLM’s acquisition and removal of the Mineral Point Ditch and is prepared to assist with evaluating the available legal mechanisms after BLM has acquired the Mineral Point Ditch.
- Throughout the document, some of the benefits of the preferred alternative appear to be significantly overstated or, at a minimum, very attenuated. For example, the assertion that the proposed action will benefit the Upper Colorado River Endangered Fish Recovery Program cannot be supported.

We appreciate the opportunity to comment on this proposed action and would appreciate being informed of this project as it progresses. Please feel free to contact me with any questions.

Sincerely,



Steve Wolff,
General Manager

UCB-100
2.2.4.23

VIA ELECTRONIC MAIL ONLY

17.6.2

Interested Parties

Subject: Request for Input for the Upper Colorado River Basin System Conservation and Efficiency Program

Greetings:

On October 12, 2022, the Department of the Interior (Department) made an [announcement](#) of actions to address drought in the Colorado River Basin with funding support from the Inflation Reduction Act (IRA). At that time, the Department announced that at least \$500 million would be available for investment in the Upper Colorado River Basin States for long-term system efficiency improvements that will result in additional water conservation for the entire system.

The Bureau of Reclamation (Reclamation) is implementing these funds in two phases. For the first phase, Reclamation has partnered with the Upper Colorado River Commission to make available up to \$125 million of IRA funds for a System Conservation Pilot Program. Reclamation anticipates using most of the remaining funding for the second phase of the program (Phase 2), which will focus on long-term, durable projects. The purpose of this letter is to request input on the types and nature of projects, project selection criteria, and program administration considerations that Reclamation should consider when distributing funds for Phase 2.

The use of this funding is a part of the commitment made by the Department on August 16, 2022, to address the drought crisis with prompt and responsive actions and investments to ensure the entire Colorado River Basin can function and support all who rely on it. Prolonged drought and low runoff conditions accelerated by climate change have led to historically low water levels in Lakes Powell and Mead. Over the last two decades, Department leaders have engaged with Colorado River Basin partners on various drought response operations; however, additional action is needed to protect the Colorado River system and prevent the reservoirs from falling to critically low elevations, threatening water deliveries and power production. The historic funding committed by the Biden-Harris Administration for water management and conservation efforts in the Colorado River Basin and other basins experiencing comparable levels of long-term drought includes \$4 billion from the IRA.

Reclamation is seeking input on Phase 2 projects that could fall into the following three general categories:

- System conservation and efficiency projects that achieve verifiable, multi-year reductions in use of or demand for water supplies,
- Demonstration projects to spur advances in water conservation and efficiency using innovative techniques,
- Ecosystem and habitat restoration projects to address issues directly caused by drought.

Reclamation is specifically requesting input on the types of projects that may be eligible for funding and the evaluation criteria that might be used during project selection. Reclamation is also seeking input on the administration of the program. Specifically, what level of administrative partnership with the Upper Division States, the Upper Colorado River Commission, and/or other governmental entities would be effective/beneficial for the types and nature of projects proposed.

Reclamation is working to release the solicitation for potential Phase 2 projects later in calendar year 2023 and appreciates your suggestions to help make the program a success. Comments will be taken until Friday July 07, 2023, and can be sent via email to: UCBEfficiency@usbr.gov.

Reclamation's Lower Colorado Region has recently sent a similar [request](#) for input regarding its Lower Colorado Conservation Program. Additional information from Reclamation will be forthcoming on IRA programs in other basins experiencing comparable levels of long-term drought.

For the deaf, hard of hearing or speech impaired, please dial 7-1-1 to access the telecommunications relay system.

Sincerely,

Wayne G. Pullan
Regional Director



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
West Building – 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302

July 7, 2023

Submitted via email to: UCBEfficiency@usbr.gov

Wayne Pullan, Regional Director
Upper Colorado Basin
Bureau of Reclamation
125 South State Street
Salt Lake City, UT 84138-1102

Mr. Pullan:

The Southwestern Water Conservation District (SWCD) appreciates the opportunity to submit comments in response to your request for input on Phase 2 water conservation project funding in the Upper Colorado River Basin under the Inflation Reduction Act (IRA).

SWCD was created in 1941 by the Colorado General Assembly (C.R.S. § 37-47-101 et seq.) to lead in the protection, conservation, use, and development of the water resources of the San Juan and Dolores River Basins for the welfare of the SWCD, and safeguard for Colorado all waters to which the state is entitled. SWCD is comprised of all or part of nine counties in southwestern Colorado: Archuleta, Dolores, La Plata, Montezuma, San Juan, San Miguel, and parts of Hinsdale, Mineral, and Montrose. A representative from each of these counties serves on SWCD's nine-member Board of Directors.

Following its statutory mandate, SWCD has assumed a broad strategic role on behalf of its diverse constituents for more than 80 years. SWCD is currently exploring the possibility of developing a Southwestern Colorado Water Conservation Program that will encompass the San Juan and Dolores River basins in Colorado. We intend to collaborate with others located within southwestern Colorado (e.g., Southern Ute Indian Tribe, Ute Mountain Ute Tribe, local water conservancy districts, environmental non-profits and others) in developing this program so that it best reflects the needs of, and opportunities available within, our local communities.

The Southwestern Colorado Water Conservation Program will be designed to help provide funding and other assistance to local water users across southwestern Colorado to implement projects that will mitigate the impacts of drought, provide for long-term (permanent) water conservation savings as well as ensure the economic viability of our local communities. Types of projects that could be implemented include:

- Support that helps the agricultural sector adapt to using less water via upgraded infrastructure, new technologies, and/or crop switching. The need to maintain the economic viability of producers and local communities is important in this.
- Forest management efforts that not only provide for public safety by reducing wildfire risk and protecting drinking water supplies but provide for forests that support ecological health.
- Work with local communities to ensure the education and implementation of municipal water conservation programs.
- Multi-faceted water resource projects that are designed to increase system efficiencies and reliability while, at the same time, achieving important environmental benefits.

We believe this is the very type of program the IRA funds were intended to help support. As you are aware, the IRA is expressly designed to make federal funding available through grants, contracts, or financial assistance agreements “to or with public entities and Indian Tribes.” Pub. L. 117-169, § 50233(b).

SWCD is well positioned to provide support to this effort in that we currently operate a small grant program that serves water users across southwest Colorado. SWCD can also contract directly with the federal government to receive federal funding that will expand that program to address the specific needs identified in the IRA. We understand the needs of local water users and can, at times, better serve them than a single statewide or multistate program (such as the System Conservation Pilot Program).

We appreciate the Bureau of Reclamation seeking input on the best use of this Phase 2 funding. To reiterate, SWCD believes that Reclamation should focus the next round of funding on implementing locally developed solutions that support and maintain the needs of local communities. By developing administrative partnerships with entities like SWCD, Reclamation can foster relationships between the federal government and local entities within the Colorado River Basin, and promote an additional means of encouraging cooperation and transparency among water users. Thank you for the opportunity to provide our input on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Steven Wolff". The signature is written in a cursive, flowing style.

Steve Wolff, General Manager
cc: SWCD Board of Directors

Tribal Water Media Fellowship

Summer Intensive Grant Progress Report

Summary

The Tribal Water Media Fellowship (TWMF) program kicked off in Fall of 2022 with recruitment of our first class of Fellows. The first half of the fellowship program has been completed with the conclusion of the Summer Intensive program in May 2023. The student fellows will spend the period from May through October to complete their independent media projects under the mentorship of media and water professionals, and they will present their projects at a Community Showcase in October 2023.

The organizing team for the program includes Dr. Kaitlin Mattos from the Fort Lewis College (FLC) Department of Environment and Sustainability and the Four Corners Water Center; Colten Ashley from the KSUT Tribal Media Center; Adar Higgs, formerly with the FLC Department of Health Sciences and Rocky Mountain PBS, and currently an independent contractor; Tami Graham KSUT Executive Director; and Carol Fleisher from Fleisherfilm, LLC. Each of the organizers assisted with programming, recruitment, review of applications, selection of fellows, leading Summer Intensive sessions, and mentoring Fellow projects.

Recruitment

Recruitment for the Fellowship began in November 2022 during Fort Lewis College's inaugural Water Week. Water Week consisted of four events, including a lecture about Colorado River environmental issues, a discussion of the book "River of Lost Souls" with author Jonathan Thompson, a showing of the documentary film "Thirst for Justice" and ensuing conversation with the filmmakers, and a TWMF drop-in recruitment event. Over 150 students and community members engaged in these events. The TWMF application was launched during Water Week. FLC professors in water and media topics shared TWMF application information with their courses for three months (in the fall and spring semesters) and organizers visited classrooms to talk about the program. Announcements ran on campus TVs and posters were placed across campus. Students were encouraged to apply early, but the application did not close until the middle of spring semester, allowing for additional recruitment in similar ways throughout January and February. In February, the organizers hosted a film night on campus to show what media can do for water issues, highlight our team, and share about the program.

Selection

The application closed March 1, 2023 with 21 applicants for 15 spaces in the program. Applicants represented a variety of fields of study, ages, and ethnic backgrounds. Each application was considered independently by four of the program leaders and rated in terms of their interest in and mention of the three key aspects of the program (tribes, water, and media). The program leaders then met to discuss who to admit. Fifteen applicants were selected for participation with two on the waitlist. Ultimately, all seventeen were admitted to the program, but five had scheduling conflicts related to travel or career opportunities and were unable to participate.

2023 Fellows

The 2023 Fellows cohort consisted of 12 students majoring in engineering, geosciences, environmental sciences, public health, political science, Native American and Indigenous studies, and journalism. Seven students identified as Indigenous and five did not. Most students had more background in water than in media, but many had worked on independent or course-based media projects in the past and had an interest in learning more. All but one student was returning in the Fall for the semester, but they ranged from being in their first year of college to being nontraditional or returning students with several years of college experience.

Mentors and Experts

It was difficult to find mentors and experts in the water and media fields who were able to commit to the entire 10 days of the Summer Intensive. With this constraint, the organizer team recruited two “experts-in-residence”, Colten Ashley from KSUT representing media topics and Crystal Tulley-Cordova from the Navajo Nation Department of Water Resources representing water topics. Colten was able to participate for the entire Intensive and is continuing to mentor student projects in person and remotely. Crystal was able to join for most of the Intensive and is hosting student office hours remotely until the Fall Showcase.

Other mentors were recruited to lead specific sessions during the Intensive and were given the option to also mentor student projects. Mentors came from journalism, water, law, equity, public health, and nonprofit backgrounds. Their areas of expertise presented during the Summer Intensive included field reporting, covering water media stories, audio and video production, radio, podcasts, print journalism, social media, sound design, project pitching, tribal water law, colonization and water rights, grassroots water organizing, water infrastructure, drought/aridification, and water science. Depending on their level of involvement with the Intensive and student projects, mentors were compensated appropriately. This structure allowed us to recruit 14 mentors to engage with students in different ways so that students could gain from their expertise but so that the commitment fit the time constraints of the mentors. Twelve of the mentors hosted lectures, activities, or field visits during the Summer Intensive, and eight are continuing to mentor independent student projects through the rest of the summer and fall.

Summer Intensive

The goal of the Summer Intensive is to build a community of tribal water media scholars that is connected to experts and resources in their fields of interest and to equip fellows with the background knowledge and skills on tribal topics, water issues, and how to use media to tell stories. The Summer Intensive took place from May 8-17, 2023, and the program was based out of Fort Lewis College’s campus. The fellowship began with two days on campus and at nearby field sites where students got to know each other, discussed basics of storytelling and water, learned about print journalism and how water issues have been covered, experienced the intricacies of sound design, were introduced to colonial land and water appropriation in Colorado and how it impacted Indigenous peoples, and toured the KSUT radio studios in Ignacio, CO. Then students joined expert-in-residence Dr. Crystal Tulley-Cordova, principal hydrologist for the Navajo Nation, on a tour of water infrastructure on Navajo Nation, including the Navajo Dam and NAPI agricultural fields. The following day, they launched on the San Juan River for a four-day rafting trip with Fort Lewis on the Water (FLOW). On the river, students discussed water issues, tribal connections to water, current events, media equipment, permissions for storytelling,

and cultural respect. Students visited cultural sites along the river and discussed flows and weather and climate patterns. Each day, students worked in small groups to practice interviewing skills and storytelling. They also developed project pitches related to their independent projects that they would complete after the Intensive. At the end of the river trip, students returned to campus for three more days of guest speakers, field trips, and workshops. Students visited the Southern Ute reservation to observe water infrastructure, learned about advocacy on social media, practiced audio and video editing, and discussed journalism ethics. At the end of the Intensive, students prepared their final project pitches and pitched them for a 12-person mentor team on campus. Each student then received feedback from the mentors about how to execute their project. Students were then matched to a 2-3 person mentor team based on the students' topics and the mentors' areas of expertise. Students left the program with a plan, resources, and mentors to support the completion of their media projects between May and October, for final display in the Showcase in late October.

Overall, student engagement and participation in the Summer Intensive was a major success! Students gave overwhelmingly positive feedback about the programming and their interactions with mentors, experts, and one another. The organizing team received anonymous student feedback through a survey on the final day and met to reflect on changes to make to the program in future years. In general, there was support for keeping most aspects of the program the same, with minor changes to extend the length of the intensive to allow for more reflection and absorption of the material.

Continued Programming

The next major component of the TWMF program is the completion of student projects for display at the Fall Showcase, tentatively scheduled for October 26, 2023 on the FLC campus. That evening is expected to include display of student audio and video productions, readings of print pieces, student panels, and input from mentors and experts. This date will represent the closing of the 2023 fellowship and the initiation of recruitment for the 2024 cohort.

Between now and the October Showcase, students are working on their independent projects with mentor support, financial support, and regular group check-ins. The entire cohort is meeting once a month to share their progress and troubleshoot issues. The organizing team is on call for general student assistance, and students have been encouraged to check in and request assistance from their mentorship team as needed. Students are also encouraged to enroll in a 1-credit fall semester course that meets once a week for two hours for the first half of the semester so that they have dedicated time to complete their projects before the Showcase.

Additional Funding

Funding support for this program came from the Walton Family Foundation (\$110,760), the Southwestern Water Conservation District (\$5,000) and the Colorado Plateau Foundation (\$25,000). Funding committed is for a single year, and it is our hope that our funders are willing to support the program in future years.

Measurement Rules Introduction

May 24, 25, 2023

Southwestern Water Conservation District

Dolores Water Conservancy District



Existing Measurement Authority

- Statutory Authority
(section 37-84-112, C.R.S.)
 - “The owners (of ditches, etc.)...shall erect where necessary...a suitable and proper headgate...to control the water...and proper measuring flumes, weirs, and devices...”
 - Understand “...where necessary...”

Why do we need Measurement?

- Administration during a call
 - To ensure that water rights take the decreed amount; distribute the available water to as many water rights as possible (prior appropriation)
- Administration during compact compliance administration
 - To ensure that compliance with interstate obligations is done accurately
- Data
 - To protect individual water rights
 - To protect Colorado water users during compact compliance

Why do we need Measurement Rules?

(statutory authority is already clear)

- Address details related to measurement ahead of time
 - Consistency and transparency for all water users
 - Recognize all types of diversions
 - Plan for options and alternatives
 - Technical and administrative guidance
 - Stakeholder involvement
 - Efficient implementation

What are Measurement Rules?

- Guidance that provides a clear path for both water users and DWR regarding implementation of statutory authority
- Rules define how statutory authority will be executed. For example:
 - What is an adequate headgate?
 - When is a headgate necessary?
 - What is an adequate measuring device?
 - When is a measuring device necessary?
 - How is data recorded and reported?

Water Administration

- Water right: the right to divert water for beneficial use
 - Available flow in the natural stream
 - List of water rights, by priority
 - Senior water right, not getting their amount
 - Administer a call

Water Administration

- Many basins in Colorado, primarily the west slope, are in transition
 - Basins have not had a consistent call or any call
 - More demands, climate change

Water Administration

- In order administer a water right, the Division Engineer needs:
 - A water right decreed for beneficial use
 - A headgate
 - Diversion dam
 - A measuring device
 - A known location where a water user will make the beneficial use

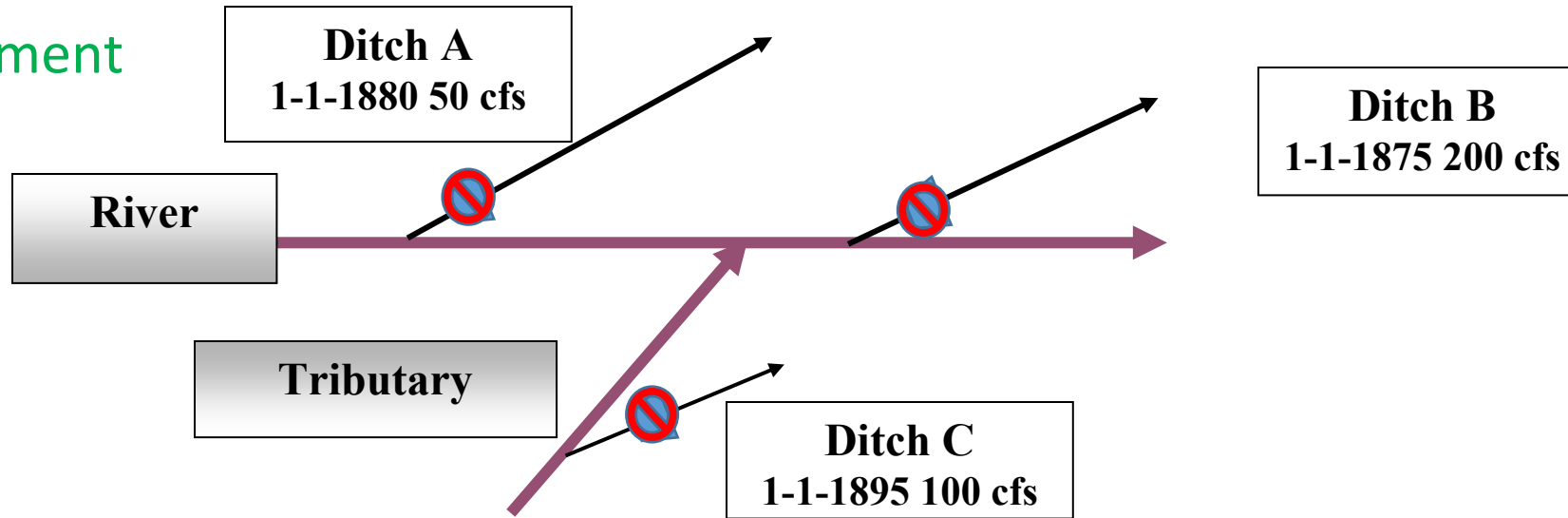


Water Administration - Headgates

- With a need to address a call or other administrative requirements, there is a need for diversions to have a functioning headgate
 - A headgate that can be easily adjusted to control the amount of water entering a diversion
 - Is close to the measuring device

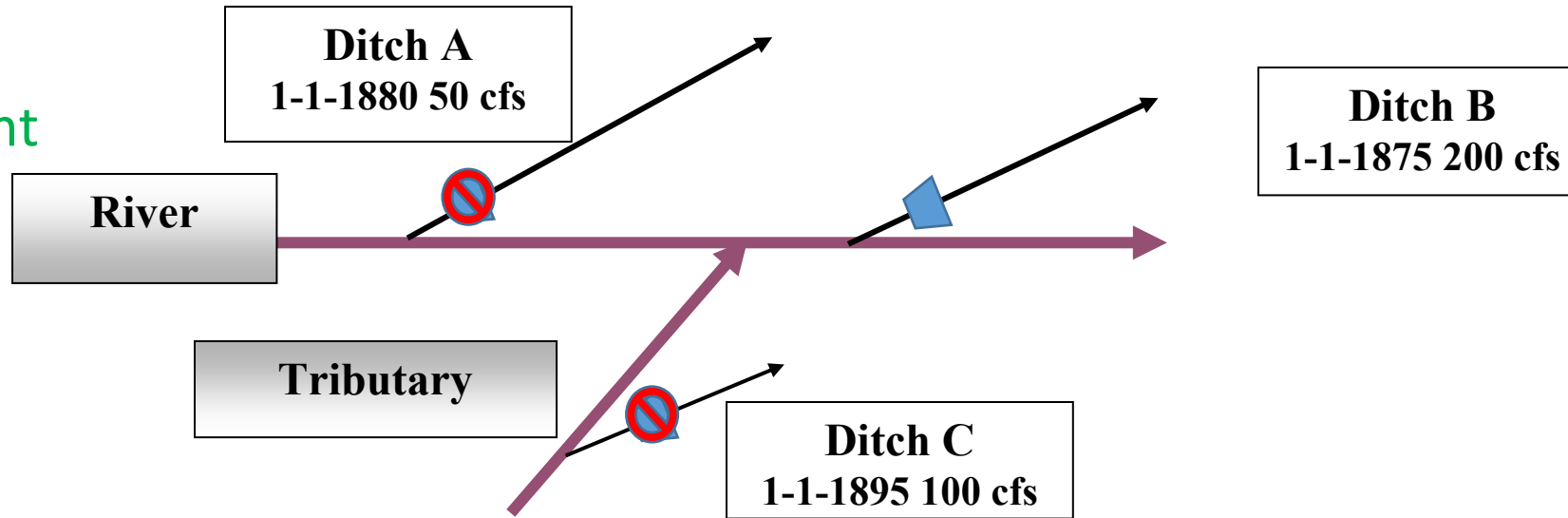


No Measurement



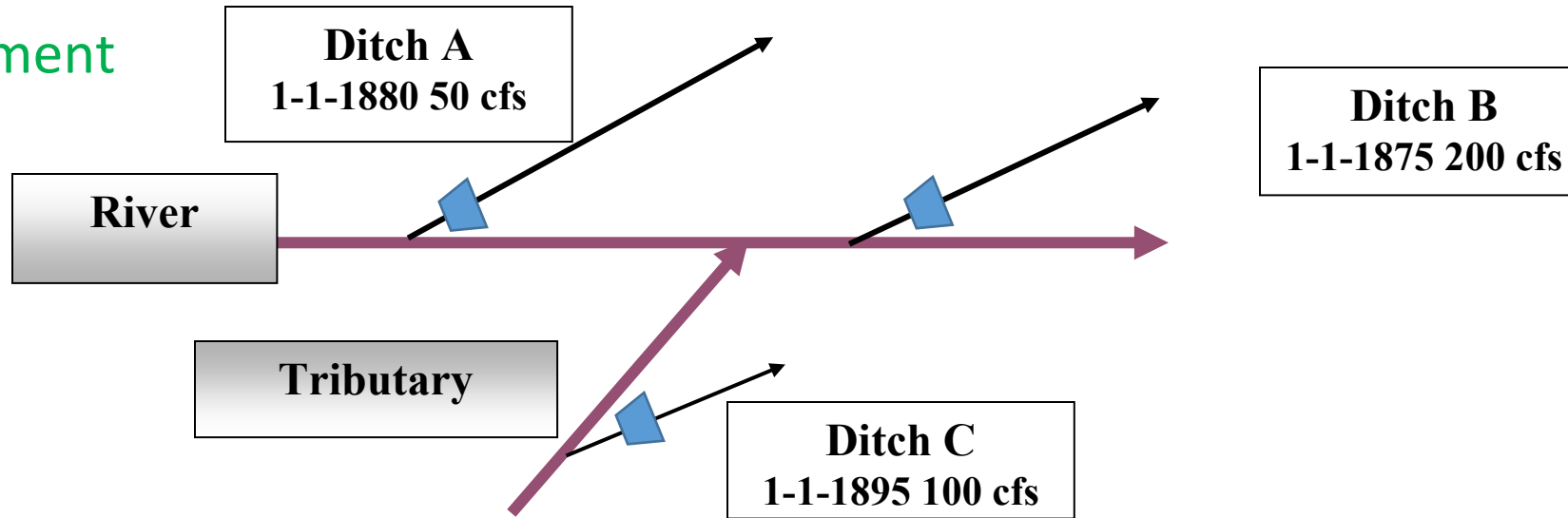
Example: Ditch A is taking ?? cfs and Ditch C ??? cfs. Ditch B owner calls the commissioner and is 120? cfs short. What does the commissioner do? How does she know B is actually short and how much? What if A is taking 100 cfs (50 cfs too much)? Is it right to curtail C completely? What if C doesn't have a Headgate?

Some
Measurement



Example: Ditch A is taking ?? cfs and Ditch C ??? cfs. Ditch B owner calls the commissioner and is 120 cfs short. What does the commissioner do? What if A is taking 100 cfs (50 cfs too much) and C is taking only 80 cfs. Is it right to curtail C completely? How much is A curtailed?

All Measurement



Example: Ditch A is taking 50 cfs and Ditch C 100 cfs. Ditch B owner calls the commissioner and is 120 cfs short. The call becomes Ditch A bypass to Ditch B with a 1-1-1880 priority date. Ditch A is cut back to 30 cfs and Ditch C is completely curtailed.

Data; Records and Reporting

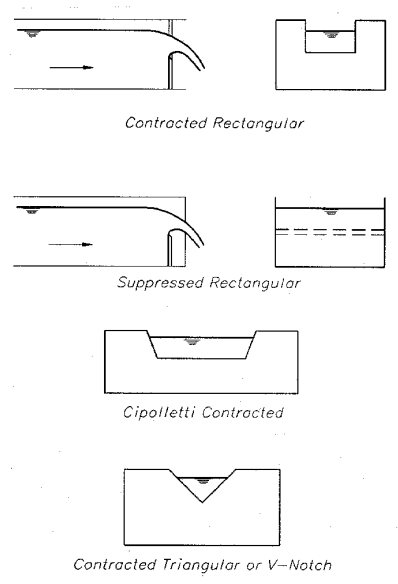
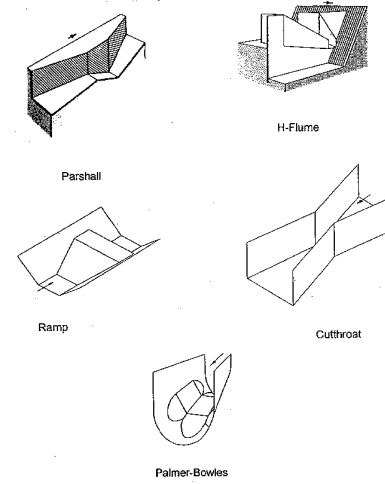
- Why record diversions? Why report diversions?
 - Spending funds to install a measuring device and then not bothering to read it is just silly
 - The data is valuable
 - Value of a water right is based on its beneficial use
 - Protect against abandonment
 - Optimize operations
 - Provide accurate data on Colorado water use to other states in event of compact administration
 - Transparency
 - Everyone can see all the records
 - Builds trust in the system, enhances cooperative efforts

Measuring Devices

- Here are different methods or devices typically used to measure diversions
 - Flumes
 - Parshall
 - Cutthroat
 - Ramp
 - Weirs
 - V-notch
 - Cipoletti
 - Rated sections
 - Most common for measuring streamflows rather than diversion
 - Float test
 - Most common for a quick approximation only



Measuring Devices



What is a proper installation?



Which one works



Reading a Flume

Size of Flume

↓

Parshall		2.00 Foot		GH		GH		GH		GH	
GH	GH	GH	GH	GH	GH	GH	GH	GH	GH	GH	GH
0.10	0.23	0.29	1.17	0.48	2.57	0.67	4.30	0.86	6.33	1.05	8.63
0.11	0.26	0.30	1.24	0.49	2.65	0.68	4.40	0.87	6.45	1.06	8.76
0.12	0.30	0.31	1.30	0.50	2.73	0.69	4.50	0.88	6.56	1.07	8.88
0.13	0.34	0.32	1.37	0.51	2.82	0.70	4.60	0.89	6.68	1.08	9.01
0.14	0.38	0.33	1.44	0.52	2.90	0.71	4.71	0.90	6.79	1.09	9.14
0.15	0.42	0.34	1.50	0.53	2.99	0.72	4.81	0.91	6.91	1.10	9.27
0.16	0.47	0.35	1.57	0.54	3.08	0.73	4.91	0.92	7.03	1.11	9.40
0.17	0.51	0.36	1.64	0.55	3.17	0.74	5.02	0.93	7.15	1.12	9.54
0.18	0.56	0.37	1.71	0.56	3.26	0.75	5.12	0.94	7.27	1.13	9.67
0.19	0.61	0.38	1.79	0.57	3.35	0.76	5.23	0.95	7.39	1.14	9.80
0.20	0.66	0.39	1.86	0.58	3.44	0.77	5.34	0.96	7.51	1.15	9.93
0.21	0.71	0.40	1.93	0.59	3.53	0.78	5.44	0.97	7.63	1.16	10.07
0.22	0.77	0.41	2.01	0.60	3.62	0.79	5.55	0.98	7.75	1.17	10.20
0.23	0.82	0.42	2.09	0.61	3.72	0.80	5.66	0.99	7.88	1.18	10.34
0.24	0.88	0.43	2.16	0.62	3.81	0.81	5.77	1.00	8.00	1.19	10.48
0.25	0.93	0.44	2.24	0.63	3.91	0.82	5.88	1.01	8.12	1.20	10.61
0.26	0.99	0.45	2.32	0.64	4.01	0.83	5.99	1.02	8.25	1.21	10.75
0.27	1.05	0.46	2.40	0.65	4.10	0.84	6.11	1.03	8.37	1.22	10.89
0.28	1.11	0.47	2.48	0.66	4.20	0.85	6.22	1.04	8.50	1.23	11.03

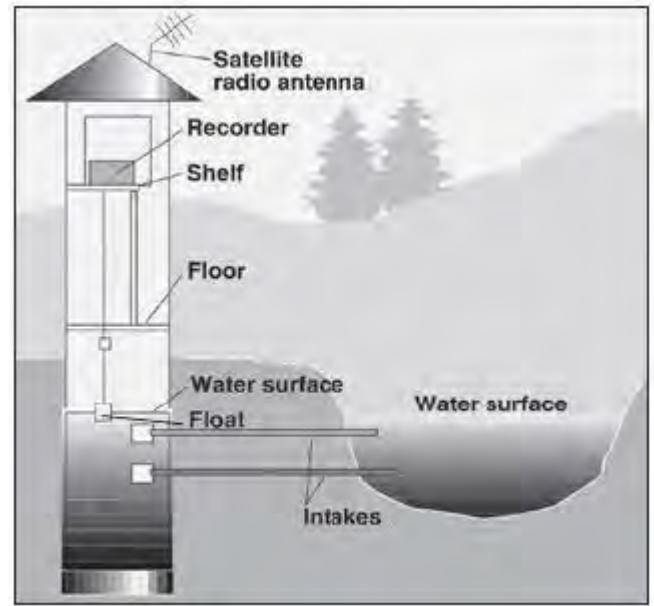
↑

Flow Rate (CFS)

↑

Staff Reading (ft)

Typical Recording



Reporting

- There are several ways to report diversions
 - A water commissioner may make occasional visits to a diversion and will record what is being diverted
 - To capture more representative records of diversion, the water user should make frequent visits and record the amount diverted
 - A diversion may have a recorder that can provide constant data on diversions
 - DWR will accept user supplied data
 - Sent directly to the water commissioner or Division Engineer's office
 - Via a web interface