

**Southwestern Water Conservation District  
Board of Directors Meeting – Teleconference  
March 23, 2016**

**Present:** John Porter, President†      Steve Fearn, Vice-President†      Bob Wolff, Secretary-Treasurer  
J.R. Ford†      Jenny Russell†      David Guillian†  
Rusty Hingert      Doug Stowe†

**Absent:** Monte Naslund

**Staff:** Bruce Whitehead, SWCD Executive Director†  
Laura Spann, SWCD Office Manager  
Jeff Kane, Maynes, Bradford, Shipps & Sheftel

**Guests:** Darlene Marcus, U.S. Representative Scott Tipton†  
Mike Preston, Dolores Water Conservancy District†

*†Participated by phone.*

President John Porter called the meeting to order at 9:00 a.m. Roll was taken and a quorum was present.

### **Questions/Comments from Audience**

There were no comments or questions.

### **Old Business**

#### **Legislative Update & Position on Bills**

*(time: 00:01:45)*

The Colorado Water Congress (CWC) State Affairs Committee met on March 14 and 21 to discuss water legislation introduced thus far during the 2016 Legislative Session. Bruce Whitehead explained the bills and relayed CWC discussion of the bills to the board. He referenced the summary document (Legislative Reports #2016-09 and #2016-10). The following bills were discussed:

#### **HB 1313 – Authority of Local Government Master Plan to Include Water Plan Goal**

CWC has taken no position on the bill. SWCD acted to oppose the bill at the last teleconference.

#### **HB 1314 – Treat Preexisting Groundwater Depletions Replaced**

CWC acted to oppose the bill. SWCD is neutral on the legislation.

#### **HB 1337 – Appellate Process For Decisions About Groundwater**

CWC has taken no position on the bill. SWCD acted to remain neutral on the legislation at the last teleconference.

#### **SB 145 – Colorado River District Subdistrict Formation**

CWC acted to support this bill. SWCD acted to support the legislation at the last teleconference.

#### **HB 1315 – Allow Seaplanes in State Parks like Motorboats**

CWC acted to oppose this bill. Steve Fearn moved to oppose the bill. Doug Stowe seconded. The motion failed 5 to 3. In effect, SWCD took no position on the bill.

#### **HB 1382 – Divert Water Piscatorial Aesthetic Beneficial Use**

CWC continues to discuss this bill. Steve Fearn moved to support the legislation, with the removal of aesthetic use as beneficial. JR Ford seconded. The motion passed unanimously.

**HB 1392 – Water Banks Administration**

CWC continues to discuss this bill. A CWC State Affairs subcommittee has been formed to address concerns with the bill. Steve Fearn moved to oppose the legislation as drafted. JR Ford seconded. The motion passed.

Regarding proposed legislation, there are rumors of legislation related to severance tax. Work on the budget “Long Bill” is to begin next week. House leadership has said that only bills with no fiscal impact will move forward.

There have also been a number of initiatives that have gone through title setting that would increase the requirements for ballot initiatives in Colorado.

**New Business**

**BLM Scoping – “Areas of Critical Environmental Concern”**

*(time: 00:32:00)*

Jeff Kane provided background on the BLM’s recent request for scoping comments on proposed designation of 18 Areas of Critical Environmental Concern (ACEC) within the Tres Rios Field Office, covering 130,000 acres. The ACECs are primarily in the Lower Dolores River Basin, with several above Silverton and around Cortez. Once adopted, ACECs allow for special management prescriptions. The Dolores Water Conservancy District (DWCD) and partners have expressed concerns on how these proposed ACECs may affect the collaborative process around the proposed Dolores River National Conservation Area (NCA). SWCD may be interested in supporting special management prescriptions for Iron Fens discussed as part of the River Protection Workgroup process. Jeff recommended the board authorize the submission of scoping comments focusing on the potential water resources impacts. The comment deadline has been extended to May 4. The item was tabled until the board meeting on March 31.

**Water Quality Control Commission – Proposed Revision Regulation 31**

*(time: 00:43:15)*

Jeff Kane provided background on the Colorado Water Quality Control Commission hearing for proposed revisions to regulation 31, which set default water quality standards statewide. The revisions would adjust temperature standards to account for elevation, relate to site specific data on variability, and allow for a “narrative standard” in the spring and fall. These changes could be beneficial in limiting unwarranted impairment listings while still protecting aquatic life. Jeff Kane presented the following options: 1) request party status by March 31 and submit a pre-hearing statement, 2) not request party status but submit written comments by June 1, or 3) not participate. DWCD has directed MBSS to request party status and submit a pre-hearing statement by March 31. Doug Stowe moved to establish party status and submit a pre-hearing statement on the proposed revision to Regulation 31 by the Water Quality Control Commission. Bob Wolff seconded. The motion passed unanimously.

**Next Meetings**

Thursday, March 31	9:00am	Special Regular Board Meeting
Friday, April 1	8:00am	Annual Water Seminar
Wednesday, April 13	9:00am	Teleconference
Wednesday, April 27	9:00am	Teleconference (cancelled as of April 20)
Wednesday, May 11	9:00am	Teleconference

**Adjournment**

President John Porter adjourned the meeting at 10:00 a.m.




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John Porter, President