

**Southwestern Water Conservation District
Board of Directors Meeting—Teleconference
January 9, 2019**

Present: J.R. Ford† David Guillianst Rusty Hinger†
Jenny Russell† Charlie Smith† Doug Stowe†
Don Schwindt† Bob Wolff

Absent: Monte Naslund

Staff: Bruce Whitehead, SWCD Executive Director
Laura Spann, SWCD Programs Coordinator

Guests: Floyd Cook, Dolores County Commissioner†
Hilary Cooper, Valley Floor Restoration Partner†
Steve Garchar, Dolores County Commissioner†
Keith Caddy, Montrose County Commissioner†
Cindy Dozier, Club 20†
Marcel Gatzambide, San Juan Citizens Alliance†
Ed Millard, Southwest Basin Roundtable†
Carrie Padgett, Harris Water Engineering†
Ryan Unterreiner, Colorado Parks & Wildlife†
Beth Van Vurst, Fairfield and Woods†

†Participated by phone.

1.0 Call to Order

(time: 00:00:10)

Robert Wolff called the work session to order at 9:00 a.m. Roll was taken and a quorum was established. Beth suggested adding the new proposed Waters of the United States rule as an informational item, Agenda 4.3.

2.0 Questions/Comments from Audience

(time: 00:02:00)

There were no comments or questions.

3.0 Old Business

3.1 Colorado River Update: Upper Basin and Intra-State DCP Efforts

(time: 00:02:45)

As directed, staff and legal counsel submitted a letter updating the Southwest Basin Roundtable, Club 20, and the five counties that provided comments to the CWCB on their drought contingency planning effort. The letter to the Southwest Basin Roundtable is available on the swwcd.org and the board will receive copies of all the letters as part of their February board packet.

At the Colorado River Water Users Association Annual Conference in Las Vegas in early December 2018, the Upper Basin states, through the Upper Colorado River Commission, acted to support the draft drought contingency plan, but the Lower Basin states had not yet arrived at an agreement. Commissioner Burman informed the conference audience that if a drought contingency plan was not agreed upon by January 31, 2019, Reclamation would publish a notice in the federal register soliciting comments on the course of action on February 1.

The Drought Contingency Plan-Demand Management (DCP-DM) subcommittee of the SW Basin Roundtable met twice in 2018, and will meet today, January 9. At the subcommittee and full Roundtable meeting today, there will be representatives from CWCB, the River District, and SWCD to further digest the draft DCP with southwestern Colorado stakeholders.

Additional outreach will be conducted by SWCD staff and legal counsel across southwestern Colorado on the draft DCP and exploration of a demand management program. Close coordination will continue with the River District on this educational effort.

4.0 New Business

4.1 Support Letter Request: Telluride Valley Floor Restoration, Phase II

(time: 00:10:50)

Bruce Whitehead directed the board to a draft letter from SWCD to the Colorado Water Conservation Board in support of the Water Supply Reserve Fund and Colorado Water Plan Implementation funding applications for Phase II of Telluride Valley Floor Restoration Project. Hilary Cooper, Valley Floor Restoration Partners, provided background on the funding application to go before the Roundtable today. The San Miguel River currently flows through an area heavily impacted by 23 acres of deposited tailings and 900 feet of channelization. The goal of this phase is to consolidate, stabilize, and cover existing tailings, remove river interaction with tailings, create a naturally functioning river system, and mitigate past channelization impacts. The total project cost is \$3,333,882. Jenny Russell moved to submit a letter of support for the CWCB funding application to support Phase II of the Telluride Valley Floor Restoration Project. Charlie Smith seconded. The motion passed unanimously.

4.2 Legislative Update & Position on Bills

(time: 00:16:15)

The Colorado Water Congress (CWC) State Affairs Committee met on January 7 to discuss water legislation introduced thus far during the 2019 Legislative Session, which convened on January 4. Representative Barbara McLachlan (D-Durango), Representative Mark Catlin (R-Montrose), and Representative Julie McCluskie (D-Dillon) from the Western Slope will sit on the House Rural Affairs & Agriculture Committee (formerly Ag, Natural Resources & Livestock). The Committee is chaired by Rep. Dylan Roberts (D-Avon). Senator Don Coram (R-Montrose) is on the Senate Agriculture and Natural Resources Committee, which is chaired by Senator Kerry Donovan (D-Vail).

Staff explained the bills and relayed CWC discussion of the bills to the board, and referenced the summary document (Legislative Report #2019-01). The following bills were discussed:

SB 016 – Severance Tax Operational Fund Distribution Methodology

CWC has discussed this bill. The SWCD board may consider action on this bill at the next teleconference.

HB 1029 – Republican River Water Conservation District

CWC has discussed this bill.

SJM 001 – Memorial for Arkansas Valley Conduit

CWC has discussed this bill.

SJM 002 – Corps of Engineers to Dredge Lower Arkansas River

CWC has discussed this bill.

HB 1015 – Recreation of the Colorado Water Institute

CWC has discussed this bill.

HB 1006 – Wildfire Mitigation Wildland-urban Interface Area

CWC has discussed this bill. There was board discussion regarding the impact of grant programs on the cost of forest management and fuel removal.

SB 020 – Wildland Fire Airspace Patrol System

CWC has discussed this bill.

SB 037 – Wildfire Mitigation

CWC has discussed this bill.

SB 040 – Establish Colorado Fire Commission

CWC has discussed this bill.

HB 1026 – Parks & Wildlife Violations of Law

CWC has discussed this bill.

HB 1050 – Encourage Use of Xeriscape in Common Areas

CWC has discussed this bill.

Marcel Gatzambide described the proposed mining land reclamation and water quality legislation, which will be introduced in the coming weeks.

4.3 Waters of the United States Rule

(time: 01:02:30)

Beth Van Vurst reported that on December 11, the US Army Corps of Engineers and the US Environmental Protection Agency released a new proposed rule which revises the definition of what constitutes “Waters of the United States” under the Clean Water Act (aka the “WOTUS rule”). Due to the federal budget issues, the agencies have postponed a hearing scheduled for January 23 in Kansas City, and will hold off on publishing the rule in the Federal Register which would have started the clock on the 60-day comment period. National Water Resources Association and Colorado Water Congress are also closely monitoring activity on the proposed rule. At a future date, the board may want to discuss whether to provide comments from SWCD.

Next Meetings

Wednesday, January 23	9:00am	Teleconference
Wednesday, February 6	9:00am	Teleconference
Tuesday, February 12	2:00pm	Special Board Meeting
Wednesday, February 13	9:00am	Regular Board Meeting



Robert Wolff, Board President