

Ryan Unterreiner, Colorado Parks & Wildlife (April 4)
Mely Whiting, Trout Unlimited (April 4)
John Whitney, U.S. Senator Michael Bennet's Office (April 5)
Rebecca Whitebear, Mountain Waters Rafting (April 5)
Janet Wolf, U.S. Senator Michael Bennet (April 4-5)

Thursday, April 4, 2019

1.0 Call to Order – Roll Call and Verification of Quorum

(time: 00:00:10)

President Bob Wolff called the meeting to order at 9:05 a.m. Roll was taken and a quorum established.

2.0 Review and Approve Agenda

(time: 00:01:30)

There were no changes to the agenda. Doug Stowe moved to approve the agenda as proposed. Charlie Smith seconded. The motion passed.

3.0 Executive Session

(time: 00:01:40)

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing 1) Colorado River discussions, specifically interstate and intra-state drought contingency planning efforts and strategy, including demand management, 2) proposed instream flow appropriations on Himes and Disappointment Creeks, and 3) the CWCB instream flow program and the administration of pre-existing uses and exchanges per section 37-92-102(3)(b). The statutes covering this session are § 24-6-402(4)(b), C.R.S., "conferences with an attorney for the district for the purpose of receiving legal advice on specific legal questions," and § 24-6-402(4)(e), C.R.S., "determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators." David Guilliams moved that the board go into executive session. Rusty Hinger seconded. The motion passed.

Beth Van Vurst announced that the board was out of executive session, during which no action was taken. The board discussed 1) Colorado River discussions, specifically interstate and intra-state drought contingency planning efforts and strategy, including demand management, 2) proposed instream flow appropriations on Himes and Disappointment Creeks, and 3) the CWCB instream flow program and the administration of pre-existing uses and exchanges per section 37-92-102(3)(b).

4.0 Approve and/or Remove Consent Agenda Item

(time: 00:04:20)

There was consensus to accept the consent agenda as proposed.

5.0 Consent Agenda

(time: 00:12:00)

5.1 Approval of Minutes (February 6, February 12-13, February 20, March 6, March 13, March 20)

5.2 Approval of Treasurer's Report (February 2019)

Bob Wolff noted for the record that he may have misspoken at the March 6 meeting, and Bruce Whitehead's letter notified the board that he was retiring effective April 1, 2019, not immediately, as the minutes stated. Jenny Russell moved to approve the consent agenda items. JR Ford seconded. The motion passed.

6.0 Reports

6.1 Partner Updates

(time: 00:13:00)

Colorado Parks & Wildlife

Ryan Unterreiner reminded the public regarding boat inspection requirements for aquatic nuisance species. In 2018, a record 51 boats infested with mussels were intercepted. He reported on CPW's long-term study of non-reproducing walleye at Narraguinnep Reservoir, as a sport fish that, if escaped, would minimize impacts to endangered species habitats. Haviland Lake and Pastorius Reservoir will both be drained this year to repair the outlet works. On April 16 at 6:30pm in Pagosa Springs, Jim White will present on the San Juan lineage of cutthroat trout.

Colorado Water Conservation Board (CWCB)

No CWCB representative was present for a general update, and a report was not made. Instead, CWCB staff presented in the afternoon to discuss Colorado River matters and Celene Hawkins joined the meeting on Friday.

Division of Water Resources (DWR)

Rob Genualdi, Division 7 Engineer, reported that the La Plata River is not yet on call and Long Hollow reservoir is filling quickly at 2,000 af without any exchange from the La Plata River. Last year, the City of Farmington requested water delivery from Lake Nighthorse, but eventually cancelled the order partially due to concerns from the state regarding water administration in New Mexico. Farmington may again request water delivery in 2019. Local snowpack is at 155% of normal. The Florida River basin snow course was 212% of normal, third highest in the last 50 years. All the major reservoirs in southwestern Colorado are expected to fill. He shared the statewide water supply index report with the board.

San Juan Citizens Alliance

Marcel Gatzambide reported that river running season is upon us. SJCA is watching closely water quality and geomorphologic changes on Hermosa Creek. Mountain Studies Institute is doing water quality monitoring on the Animas River. SJCA is planning a group float from Durango to Farmington, and a river race from Aztec to Farmington as part of Aztec's River Fest. Animas River Community Forum is close to finalizing the "Our Animas Report." Regarding the Colorado River drought contingency plan, the most recent draft of federal legislation to enact the plan included waivers of federal law, specifically review under NEPA and ESA, which is of concern to SJCA. SJCA, Trout Unlimited and several other environmental groups are opposed to the proposed revision of the "Waters of the United States" definition under the Clean Water Act. Marcel will meet with Steve and Bob regarding the SWCD Project Water Rights.

Trout Unlimited

Ty Churchwell reported that the Bonita Peak Community Advisory Group (CAG) has adopted their mission statement and operating procedures. A letter will come quickly from the EPA endorsing the group as an official CAG. Peter Butler will serve as chair, with Anthony Edwards as vice-chair and Ty Churchwell as secretary and administrator. EPA recently introduced a "Bonita Peak Goals" document around Silverton, a primary goal of which is "to improve water quality to meet or exceed state water quality standards in priority areas." The document also places emphasis on water quality in the stretch of river from Silverton to Baker's Bridge. Those goals align with the goals developed by citizens and endorsed by SWCD along with many local partners.

Mely Whiting reported on the Upper San Juan Stream Management Plan, renamed the "Watershed Enhancement Partnership." The current phase has been focused on engaging the public, and there will be a targeted effort to engage the agricultural community.

U.S. Bureau of Land Management (USBLM)

No representative was present; a report was not available.

U.S. Bureau of Reclamation (BOR)

No representative was present; a report was not available.

U.S. Forest Service (USFS)

No representative was present; a report was not available.

U.S. Geological Survey (USGS)

Kevin Murphy reported that USGS will be reinstalling seasonal water quality monitors near Silverton, along with five new precipitation gages in the region which will provide the National Weather Service additional data for the region. Funding has yet to be secured for Hermosa Creek precipitation gage.

Colorado River Water Users Association (CRWUA)

Bob reported that he will attend a CRWUA board meeting in mid-May to coordinate the December annual conference in Las Vegas.

Colorado Water Congress (CWC)

Don Schwindt referred board members to CWC updates in the Office Report. He reported that CWC provided a letter to the Colorado legislature regarding SB19-181 (Protect Public Welfare Oil and Gas Operations) and the potential impacts to severance tax revenue that support state water funding. The Water Congress Summer Conference will be held August 20-22 in Steamboat Springs. Don participates in the education and outreach committee.

Western Resources Advocates (WRA)

Orla Bannon reported that SB19-221 (CWCB Construction Fund Project) would appropriate \$10 million from the general fund for water plan implementation, with \$8.7 million going to water plan grants and \$1.3 million to the investigation of a statewide demand management program. HB19-1218 (Loaned Water for Instream Flows to Improve Environment) was amended to remove the provision to allow for loans on reaches that did not have a decreed instream flow right. HB19-1218 passed the House and is now under consideration by the Senate. WRA's Urban Conservation team is active with publicizing their new handbook on integrating water conservation in land planning.

Water Information Program (WIP)

Elaine Chick reported that the schools and most presenters have confirmed for the Children's Water Festival on May 1. She solicited additional presenters and volunteers. Elaine will attend a meeting on April 18 in Keystone on the Statewide Water Education Action Plan. Water 101-201 will be held in Cortez on October 24-25. Please send any suggested speakers or topics to Elaine.

Kogovsek & Associates

Christine Arbogast will join the board for the WOTUS discussion as part of Old Business.

Colorado Water Resources & Power Development Authority (CWR&PDA)

Bob Wolff reported that at their last meeting, loans were approved for Cucharas Sanitation District, the Town of Wellington, Box Elder Sanitation District, Cortez Sanitation District, the City of Gunnison, the City of La Junta, and the Town of Villas. CWPRDA issued a water bond in April.

Interbasin Compact Committee & Roundtable

Carrie Padgett reported that the next Roundtable meeting will be April 10, along with a drought contingency plan-demand management subcommittee meeting from 11am to 2:00pm. Mely Whiting reported on the IBCC meeting on February 28. John Stulp has stepped down as head of the IBCC, and Russ George has been appointed to take his place. There was polling to decide what IBCC wants to do, and the group may likely land on communication regarding demand management with Roundtables. The Joint West Slope Roundtable meeting will be May 2 in Grand Junction.

Water Education Colorado (WEco)

Laura Spann reported that she participated in Conservation and Conservancy Districts focus group to inform Statewide Water Education Action Plan (SWEAP) on the current educational activities and needs of organizations like ours. SWEAP is due to the state June 30, and progress is moving quickly. On Monday, Laura attended WEco's Program Committee meeting in Denver, at which they reviewed FY2019 Program Plan and made some final adjustments to the FY2020 Program Plan. The current *Headwaters* focuses on climate and drought. The upcoming *Headwaters* topics schedule is as follows: summer 2019 (permitting), fall 2019 (Colorado River drought planning), winter 2020 (environmental justice), and summer 2020 (aging infrastructure). Another big programmatic undertaking: WEco will work to translate key resources to Spanish starting in 2020 to reach the 11% of

Coloradoans that speak Spanish at home. They will also be developing Water Festival tools that can be used statewide for scheduling and emergency preparedness. Laura invited board members to attend the President's Reception on May 3 in Denver, at which Celene Hawkins will be honored with the Emerging Leader Award. The Lower Platte Basin Tour will be on June 17-18, 2019. For 2020, WEco's Water Fluency course is coming to southwestern Colorado. This course targets elected officials, planners, and other local leaders, and gets them "fluent" in water management concepts and hot topics.

Congressional Delegation

Ashley Greco, U.S. Representative Scott Tipton, reported that the president signed permanent authorization of the Land and Water Conservation Fund (LWCF), which had strong bipartisan support. Janet Wolf, reported that U.S. Senator Michael Bennet was also a co-sponsor of the LWCF authorization.

6.2 Board Member Updates

(time: 00:51:44)

Bob Wolff (La Plata County)

A temporary radar will again be used in the area to monitor flood and debris flow risk from the 416 fire burn scar in the Animas River basin. Bob Wolff is assisting La Plata County in the effort to secure a site for permanent radar to cover southwestern Colorado. La Plata County has secured \$1.7 million in grant funds from the Colorado Department of Local Affairs to Permanent for the radar unit.

Doug Stowe (Dolores County)

The farmers are excited to be able to plant a dry land crop this year after the wet winter. It has been two since the last opportunity. Dolores County is monitoring and engaging with the CWCB on the proposed instream flow appropriations on Disappointment Creek.

Jenny Russell (San Miguel County)

Telluride Ski Area's last weekend is April 6-7. San Miguel County manager is retiring, which has accompanied many senior level retirements recently. San Miguel County Commissioner will attend SWCD's pre-mission meeting on April 5. Jenny asked that Bob Hurford, Division 4 Engineer, be invited to join SWCD's meetings by phone.

David Guilliams (Hinsdale County)

There's a lot of mud and plenty of moisture.

Don Schwindt (Montezuma County)

Water will be available for irrigation at Don's property on April 8. Demand management and Colorado River issues are of significant interest to Montezuma County, Montezuma Valley Irrigation District, Dolores Water Conservancy District, and constituents. DWCD is working to educate, coordinate, and identify priorities for the Dolores and McElmo basins as drought contingency planning continues. McPhee Reservoir will fill, and likely spill in late May, much later than usual because the reservoir has so much capacity to fill first. DWCD will host a public meeting at the Dolores Community Center on April 18 to discuss the spill with interested public.

Monte Naslund (Montrose County)

The CC Ditch Company will be slow in getting water through the ditch system, as they have to clear rock and dirt. Piping for the Brooks Trestle to Syphon Project, which SWCD partially funded, has been delivered.

Rusty Hinger (Mineral County)

Mineral County is snowed in.

Charlie Smith (San Juan County)

Charlie Smith encouraged people to take a trip to see avalanche activity in the San Juan Mountains. He referred to The Bonita Peak Interim Remedial Action Plan, which targets several sites for work over the summer 2019, is now available. The Bonita Peak Ecological Risk Assessment is complete and available as well. Silverton is seeking another Town manager.

JR Ford (Archuleta County)

Archuleta County has a new manager and a new attorney.

6.3 Hydrologic Conditions Update

(time: 01:03:20)

Ken Curtis reported that the Colorado Forecast Center estimates 10.2 maf inflow to Lake Powell. Reclamation has not yet released the 24-month study.

6.4 Office Update

(time: 01:04:00)

There was a board request to make copies of the Office Report available to the public. Steve Harris complimented current SWCD staff and legal counsel. He acknowledged Carrie Padgett for 11 years with Harris Water Engineering. He assured the board that SWCD operations are in capable hands, and offered to meet with County Commissioners should any board members request it.

7.0 Questions & Comments from the Audience

(time: 01:08:30)

There were no comments or questions from the audience.

The board adjourned for lunch.

8.0 Old Business**8.1 Colorado River Discussions****8.1.2 Upper Basin and Intra-State Drought Contingency Planning Efforts**

(time: 01:08:55)

Becky Mitchell (CWCB Director), Brent Newman (CWCB), and Lain Leoniak (Colorado Attorney General's Office) provided thorough background on Colorado River drought contingency plan (DCP) agreements. Lain emphasized that the DCP will implement alternatives explored as part of the existing NEPA review and EIS. Most recently, Becky noted that hearings were held in both the U.S. House and Senate last week. Commissioner James Eklund testified in support of proposed federal legislation enacting the DCP.

Brent detailed CWCB's 2019 work plan for the investigation of the feasibility of a demand management program and related outreach. He clarified that CWCB is not exploring the impacts of a Colorado River compact administration. CWCB will be establishing eight workgroups of 10 people to evaluate priority issues regarding demand management feasibility, keeping in mind the need for an effective and creative process. The CWCB workgroups are focused on the following topics: law and policy, monitoring and verification, water rights administration and accounting, environmental considerations, economic considerations, funding, education and outreach, and agricultural impacts. This investigation will have a Project Management team comprised of staff from the CWCB Colorado Attorney General's office, DNR executive director's office, Colorado Division of Water Resources, and Colorado's Commissioner for interstate implications. The Project Management team will prepare and provide regular reports to CWCB on progress and results of 2019 investigations, joined by members of the workgroups as appropriate. The final status report on progress and recommended next steps will be delivered to the CWCB board in January 2020. CWCB staff responded to questions regarding balancing West and East Slope representation and renegotiation of the 2007 Interim Guidelines. Jenny Russell moved that SWCD support Carrie Padgett, Beth Van Vurst, and Laura Spann's requests to CWCB for participation in relevant workgroups. Monte Naslund seconded. The motion passed.

8.1.1 West Slope Risk Assessment Study – Phase III

(time: 02:03:00)

Carrie Padgett summarized Phase III, which utilizes U.S. Bureau of Reclamation's CRSS model with Colorado's StateMod model to evaluate the risk of compact administration given stress-test hydrology, and more specifically, how compact administration may impact sub-basins on the West Slope with both current and future depletion estimates. Now, John Carron is ground-truthing the modeling (eg. to ensure the Big River model reflects how Colorado reservoirs are operated given the state's water rights system). Prior to this study, the common conception was that pre-compact consumptive use in the Upper Basin is 1.2 maf, but these results put pre-compact consumptive use at 1.6 maf; with overall depletions on the Colorado River at 2.3 maf. Carrie responded to several board questions.

8.1.3 Public Outreach, SW Basin Roundtable, West Slope Roundtable Summit (time: 02:09:00)

Carrie reported that the SW Basin Roundtable is meeting on April 10 in Durango. Steve encouraged board members and other interested water users to attend the DCP-Demand Management Subcommittee meeting from 11:00am-2:00pm. The West Slope Roundtable Summit is on May 2 from 10:30-3:00pm in Grand Junction, and the Statewide Roundtable Summit on October 24-25.

8.1.4 Colorado River Water Bank Working Group (time: 02:10:30)

Don and Carrie attend the Water Bank Work Group (WBWG) meeting in Fruita on April 3, the primary focus of which was to discuss the secondary impacts study of a demand management program and finalize the related cost share agreement. BBC Consulting was hired to conduct the study, and they reviewed the process for initial outreach across the Western Slope. The study will identify tipping points for communities and opportunities for resiliency. SWCD approved \$28,500 to cost share in the study. The Uncompahgre Valley Water Users, Grand Valley Water Users, and Upper Gunnison Water Conservancy District are new WBWG participants, and will contribute financially to the study. Don emphasized that it is important for SWCD to stay actively engaged as the study progresses.

8.3 2019 Proposed Instream Flow Appropriations on Himes & Disappointment Creek (time: 02:18:00)

Beth reported on SWCD's position on CWCB's intent to appropriate instream flows on Himes and Disappointment Creeks. SWCD has generally supported the purpose of the instream flow appropriation on Himes Creek, which is to preserve the natural habitat of the San Juan lineage of Colorado cutthroat trout. However, SWCD believes the proposed filing on all unappropriated flows for this preservation is excessive and unprecedented, and has asked CWCB to quantify the flows needed to protect the fish. Beth presented SWCD's concerns at the March CWCB meeting, along with DWCD and Boot Jack Ranch. Beth will continue to work with CWCB staff on the appropriation. Notices to contest the appropriation are due on May 31.

The proposed instream flow appropriations on Disappointment Creek collectively cover nearly 60 stream miles. Dolores County has expressed a number of concerns, specifically recognition of the County's historic uses, impacts to water rights holders within the reach, and potential limitations on future water development in the stream system. On behalf of SWCD, Beth spoke in support of Dolores County's concerns at the CWCB board meeting. Dolores County will file a Notice to Contest the appropriation. Beth outlined the options for SWCD to continue to their support for Dolores County moving forward. Monte Naslund moved to participate under Contested Hearing Participant Status in the CWCB hearing on proposed instream flow appropriations on Disappointment Creek reiterating Dolores County's three concerns. Doug Stowe seconded. There was discussion regarding which concerns SWCD would highlight in the letter. The motion passed 8-1.

8.2 Waters of the United States (WOTUS) Proposed Rule (time: 02:27:30)

Christine Arbogast reported that generally the water community feels that the proposed revision of the "Waters of the United States" (WOTUS) definition under the Clean Water Act is an improvement over the previous proposed definition. Comments are due April 15th. There is no legislative activity on the proposed WOTUS rule. This issue may still be up to judicial review, so the regulatory certainty that all water users and stakeholders are seeking may still be elusive. Water Congress and NWRA are generally supportive of the proposed WOTUS revision, although the ditch definition is still lacking. Marcel Gatzambide, San Juan Citizens Alliance, added that environmental groups nationwide are opposed to the proposed WOTUS definition because the EPA is not basing these definitions on sound science. Trout Unlimited, Backcountry Hunters & Angers and others in the basin are also opposed to the new definition. The board was asked to decide if SWCD should submit individual comments, or instead rely on umbrella policy organizations such as Water Congress and NWRA, and if so, which issues SWCD would like to focus on. There was consensus to hold a board teleconference on Thursday, April 11 at 11am to review draft SWCD comments on the proposed WOTUS rule.

8.4 Legislative Update & Position on Bills

SWCD's State Affairs representatives relayed the current status of state water-related legislation that SWCD has supported or monitored. HB 1218 (Loaned Water for Instream Flows) was discussed thoroughly by the board, including concerns for expansion of the CWCB's instream flow program, potential benefits for producers and as a tool in drought years, and as the temporary ISF loan program compares to the process for substitute water supply plans. Monte Naslund moved to continue to oppose HB 1218, and support the Water Congress State Affairs Committee's position to request that the bill be moved to the Interim Water Resources Review Committee for consideration over the summer. Rusty Hinger seconded. The motion passed. The following bills were also summarized: SB 181 (Protect Public Welfare Oil and Gas Operations), SB 212 (Appropriation General Fund Implement State Water Plan), and HB 1271 (Augmentation of Instream Flows).

8.5 Update: Permanent Radar for Southwestern Colorado

(time: 03:21:00)

Bob Wolff reported that DOLA has awarded La Plata County \$1.7 million for the acquisition and installation of a permanent radar for southwestern Colorado. Bob and County representatives met with property owners who have the ideal site for radar. In the meantime, temporary radar will be utilized this spring and summer to prepare for precipitation events impacting the 416 burn scar, which may result in debris flows and flooding.

8.6 Potential Revenue Impacts from Gallagher Amendment

(time: 03:22:10)

SWCD staff is continuing to track this year's residential assessment rate adjustment, which will be released on April 1. So far, the rate is forecasted to be reduced from 7.2% to 6.95%, which is less of a reduction than originally thought. Depending on what the adjustment is, there may be reductions in SWCD's property tax revenues for FY2020. Staff will also be monitoring any legislative attempts or referred ballot measures to address the Gallagher Amendments fiscal impacts for local government services. Several questions came up about the topic; staff will provide additional information at the next meeting.

9.0 New Business**9.1 Tres Rios Preliminary EA, Areas of Critical Environmental Concern**

(time: 03:30:35)

Jenny Russell moved to approve submittal of SWCD's comments on the Tres Rios Preliminary Environmental Assessment regarding proposed Areas of Critical Environmental Concern. Rusty Hinger seconded. There was board discussion regarding Montezuma County's specific concerns with the preliminary EA. The motion passed.

9.2 CWCB Proposed Instream Flow Appropriations for 2020

(time: 03:32:30)

Carrie Padgett has reviewed the CWCB's proposed instream flow appropriations for 2020 in southwestern Colorado: two on Naturita Creek in the San Miguel basin and another on Rincon La Vaca Creek in the Piedra basin. At the June meeting, Carrie will provide additional background on these proposed appropriations, along with more general instream flow program information.

9.3 Stream Management Planning Update (San Miguel, Upper San Juan, Animas)

(time: 03:35:50)

Carrie Padgett updated the board on regional stream management planning efforts. The San Miguel Watershed Coalition led Phase I of the San Miguel Stream Management Plan, the result of which was a draft environmental needs assessment report by Lotic Hydrologic. Several agricultural stakeholders requested more engagement, so a steering committee was created with representatives from various interests. Phase II of the planning effort will be focused on public engagement to review the technical report and identify points of consensus and possible multi-benefit projects. JR Ford has attended the Steering Committee meetings of the Upper San Juan Stream Management Planning process, and are focusing on stakeholder engagement and commitment before seeking any technical assessment of environmental or recreational needs in the basin. The Animas Watershed Partnership is considering leading an Animas River Stream Management Planning effort, and is currently evaluating the outcomes and feasibility of such an effort.

9.4 Water Conservation Program on the San Miguel River

(time: 03:42:30)

Beth Van Vurst updated the board on the CWCB's proposed water conservation program for the SilverHawk Ranch, which is near Naturita on the San Miguel River. The Nature Conservancy is partnering with this irrigated

hay operation to investigate the possibility of conserving water through split season fallowing on a portion of their property. This conserved water won't be used consumptively this year, and the water right holder will be compensated. The investigation will determine how much water can be conserved and what the impacts to the hay crop will be. For now, there is a non-diversion agreement. In the future, this investigation could inform a demand management program on the San Miguel, or potentially donate the conserved consumptive use to an existing instream flow. CWCB runs a water conservation program, as does the River District. SWCD can operate a water conservation program by statute. The benefit of these programs is to conserve a water right from potential abandonment if a water right is not being fully utilized. The statute excludes the use of water conservation programs in Division 7. Beth responded to board member questions.

10.0 Engineering Report

(time: 03:49:30)

Carrie Padgett referred board members to the written report, and highlighted the following:

10.1 Upper Colorado & San Juan River Basin Recovery Implementation Program (SJRBRIP): Carrie participated in the SJRBRIP trip to DC in March. Over the course of three days, the group had 17 meetings with Congressional staff. U.S. Representative Tipton sat in on one meeting, and the State of Colorado also participated. The humpback chub and razorback sucker are proposed for down-listing. The Colorado pikeminnow's status assessment will be conducted in fall 2019, with the hope that the species will also be down-listed. The Recovery Programs are no longer funded through hydropower revenues, but rather through congressional appropriation. Annual requests and advocacy for this appropriation to continue will be necessary. Navajo Reservoir will not have a spill, with the projected acre-feet inflow is 92,000, which is between the most and maximum probable.

Ken Curtis, Dolores Water Conservancy District, asked that SWCD also actively engage on the multi-state agreement regarding species of special concern on the Dolores River, as their protection directly impacts water management efforts. He pointed out that these species of special concern directly benefit from SJRBRIP efforts.

10.2 Colorado River Water Bank Working Group: This topic was covered earlier in the meeting.

10.3 West Slope Risk Assessment - Phase III: This topic was covered earlier in the meeting.

10.4 Animas Watershed Partnership: This topic was covered earlier in the meeting.

10.5 Paradox Salinity Unit: Carrie anticipates receiving the draft EIS from Reclamation this summer, at which time there will be

11.1 General Counsel Legal Report

(time: 04:00:40)

Beth Van Vurst reported on the following topics:

11.1 05CW88 San Juan County Water Rights: The memorandum of agreement with San Juan County for maintenance and development of the conditional water rights decreed in case number 05CW88 has been approved by both parties. SWCD is awaiting final signatures from San Juan County.

11.2 13CW3040 City of Ouray: A ruling has been entered in this case, consistent with SWCD's stipulation. The court will be issuing a decree

11.3 Water Court Resume Review (Divisions 3,4,7): Beth will review one application further, and report back with her analysis and recommendation.

11.4 Southern Ute Indian Tribe Water Quality Standards: There have been no developments since the last meeting.

12.0 Executive Session

(time: 04:03:00)

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing the process and criteria for hiring a new executive director, and to review SWCD's cost share agreement with the Animas La Plata Water Conservancy District. The statutes covering this session are § 24-6-402(4)(b), C.R.S., "conferences with an attorney for the district for the purpose of receiving legal advice on specific legal questions," and § 24-6-402(4)(e), C.R.S., "determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators." David Guilliams moved that the board go into executive session. Monte Naslund seconded. The motion passed.

Beth Van Vurst announced that the board was out of executive session at 5:18 p.m., during which no action was taken. The board discussed the process and criteria for hiring a new executive director, and to review SWCD's cost share agreement with the Animas La Plata Water Conservancy District.

13.0 Adjournment

President Bob Wolff adjourned the meeting until Friday, April 5 at 8:00 a.m. at the DoubleTree Hotel.

Friday, April 5, 2019

1.0 Call to Order – Roll Call and Verification of Quorum

(time: 04:05:00)

President Bob Wolff called the meeting to order at 8:03 a.m. Roll was taken and a quorum established. The board recited the Pledge of Allegiance.

2.0 Review and Approve Agenda

(time: 04:05:30)

There were no changes to the agenda. Marsha Porter-Norton, professional facilitator, walked through the planned topics for the facilitated portion of the meeting. She emphasized that there was no expectation of any specific outcome or next step. She described the guidelines for facilitation in respecting everyone's views.

4.0 New Business

4.1 Discussion of Executive Director Job Search Goals

(time: 04:14:40)

In order to move forward in discussion of the executive director job search goals, SWCD needed to decide if staff would continue to be shared with the Animas La Plata Water Conservancy District (ALPWCD) as dictated by the current cost share agreement. Jenny Russell moved to end SWCD's cost share agreement with the ALPWCD on or before December 31, 2019. Specifically, SWCD will end cost share of the executive director position immediately. Laura Spann will continue support of ALPWCD until no longer needed on or before December 31, 2019. ALPWCD's share of rent, equipment leasing, and telephone will be reduced to 30% immediately. SWCD requests a proposal from ALPWCD regarding housing of historical documents. The remaining provisions of the SWCD-ALPWCD cost share agreement, including office manager duties, will end December 31, 2019. David Guilliams seconded. Bob Wolff recused himself. The motion passed.

The board discussed an anticipated hiring timeline and process in compliance with Colorado Open Meetings Law. There was consensus to have a full-day board meeting, and if needed, conduct application review in the evening. There was consensus for the selection committee to be a committee of the whole board. The board held June 19-20 (later revised to June 18-19) for initial interviews and July 15-16 for final interviews. Monte Naslund moved to approve the proposed hiring timeline and process with the revisions suggested by the board. Don Schwindt seconded. The motion passed. The hiring process timeline will be posted on the website. The board thoroughly reviewed the draft job description, job posting, required application materials and submittal format. The requested revisions were to be incorporated by legal counsel and staff prior to the afternoon executive session, during which additional details of the job posting and description were discussed.

4.2 Climate & Drought in Southwest Colorado (Presentations & Discussion)

(time: 05:31:45)

Marsha Porter-Norton introduced Sinjin Eberle with American Rivers. He shared the film he directed called "Ranching in the New Normal," which focuses on three ranching families in southern Colorado. Then, Brad Udall, Senior Water & Climate Research Scientist with the Colorado Water Institute with Colorado State University, presented on past, present and projected Colorado River flows and climate change research on rising temperatures, declining snowpack, and variable precipitation. Mr. Udall answered board and public questions regarding his presentation. Taryn Finnessey, Senior Climate Change Specialist with the Colorado Water Conservation Board, presented the State of Colorado's plan to address and mitigate climate change, specifically policy efforts and water management tools. Ms. Finnessey responded to a few questions, followed by a question and answer session with Mr. Udall.

4.3 Challenges for Southwest Colorado, SWCD's Opportunities

Marsha Porter-Norton led a scan of board and public input on the following questions: What are the challenges related to water that Southwest Colorado faces both now and the future? Are there opportunities for action? If so, what are they? What are existing or envisioned roles or activities that SWCD could take on to address these issues? Then, given the responses to those questions, there was further board and public input on SWCD's role: What tools or processes would the board like to use to further refine these priorities and create a strategy going forward? Does the Board wish to do further work refining SWCD's mission or list of activities? In general, are there ways the SWCD would like to proceed given the discussions today? There was board consensus to pursue a strategic planning process once a new executive director has been hired and cancel the May 7-8 board retreat. Instead there was agreement to reserve May 8 at 9:00 a.m. for a short teleconference. This discussion is thoroughly summarized by a report by Marsha Porter-Norton, which will be reviewed by the board at their August meeting. It was suggested that the board ask Marsha to brief the new executive director on the April discussion.

4.4 Finalize Executive Director Job Search Goals

(time: 09:07:30)

The board continued review of the job description and posting, which had been revised based on the morning board comments and discussion.

3.0 Executive Session

(time: 09:19:00)


Beth Van Vurst recommended that the board go into executive session for the purpose of discussing the process and criteria for hiring a new executive director. The statutes covering this session are § 24-6-402(4)(b), C.R.S., "conferences with an attorney for the district for the purpose of receiving legal advice on specific legal questions," and § 24-6-402(4)(e), C.R.S., "determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators," and § 24-6-402(4)(f), C.R.S., "personnel matters." Monte Naslund moved that the board go into executive session. Rusty Hinger seconded. The motion passed.

Beth Van Vurst announced that the board was out of executive session at 2:57 p.m., during which no action was taken. The board discussed the process and criteria for hiring a new executive director.

Monte Naslund moved to approve the job application package, which includes the revised job description, job announcement, anticipated hiring timeline and process, application form, and background authorization form. David Guilliams seconded. The motion passed.

5.0 Adjournment

President Bob Wolff adjourned the meeting at 3:00 p.m.



Bob Wolff, President