

Southwestern Water Conservation District
Board of Directors Special Meeting via Teleconference
May 27, 2020

Present: JR Ford Jenny Russell Don Schwindt
Doug Stowe Robert Wolff

Absent: David Guilliams Rusty Hinger Monte Naslund
Charlie Smith

Staff: Frank Kugel, Southwestern Water Conservation District (SWCD) Executive Director
Laura Spann, SWCD Programs Coordinator

Consultants: Carrie Padgett, Harris Water Engineering
Beth Van Vurst, Van Vurst Law

Guests: Cody Robertson, Natural Resources Conservation Service
Marcel Gaztambide, San Juan Citizens Alliance
Ed Millard, Southwest Basins Roundtable

1.0 Call to Order

Robert Wolff called the special board meeting via teleconference to order at 9:02 a.m. Roll was taken and a quorum was established.

2.0 Review and Approve Agenda

(time: 00:01:30)

There was consensus to approve the agenda as noticed.

3.0 Questions and Comments from Audience

(time: 00:02:30)

There were no comments from the audience.

4.0 Legislative Update, Position on Bills, and Status of State Budget

(time: 00:02:45)

Beth Van Vurst provided background on the Colorado General Assembly, which temporarily adjourned mid-March due to the COVID-19 pandemic and reconvened on Tuesday, May 26. The state legislature needs to pass a balanced budget that will address an anticipated 25% cut in next year's general fund spending. It is also anticipated that additional measures may be introduced to respond to COVID-19 related-matters. There were nearly 100 bills introduced prior to temporary adjournment that remain to be considered. It is expected that many of these bills will be postponed indefinitely due to fiscal impacts and time constraints. However, some bills may move forward quickly and other new bills may be introduced. Colorado Water Congress State Affairs Committee met on May 11th, 18th, and 26th. They will also meet a second time on May 29th as bills are moving quickly. There are approximately 50 days left in the session, but legislative leadership may seek to limit deliberation to three weeks.

Draft Legislation (Establish a Colorado Dredge and Fill Permit Program)

Colorado Department of Public Health & Environment (CDPHE) may introduce two bills on June 1st, and the State Affairs Committee may take a position on Thursday, May 29th. The first draft bill would establish a State Dredge and Fill Permit Program and a related funding stream. CDPHE argues this bill is necessary because the new WOTUS rule is narrower in scope, leaving a water quality regulatory gap which this state-led program would address. Several concerns have been expressed, particularly with regard to the potential timing of the bill and limited amount of stakeholder involvement. Don Schwindt moved to oppose the draft legislation to "Establish a Draft Dredge and Fill Permit Program." JR Ford seconded. Jenny Russell abstained. The motion passed.

Draft Legislation (PFAS Contamination Response)

The second draft bill that may be introduced by CDPHE is for "PFAS contamination response." This bill would establish a \$25 fee for all shipping of fuel products to fund a PFAS monitoring and legislation program. Fee revenues would be capped at eight million dollars. Jenny Russell moved to support this bill. The motion failed for lack of a second.

HB20-1119 (State Government Regulation of Perfluoroalkyl and Polyfluoroalkyl Substances)

SWCD discussed HB20-1119, including recent amendments to the bill. Jenny Russell moved that SWCD support HB20-1119 (State Government Regulation of PFAS). JR Ford seconded. The motion passed.

HB20-1265 (Increase Public Protection Air Toxics Emissions)

SWCD discussed and did not take a position.

SB20-189 (Local Government Pesticide No Preemption)

SWCD discussed this bill and did not take a position.

HB20-1344 (Study Artificial Recharge Max Beneficial Use Water)

Don Schwindt moved that SWCD support HB20-1344 (Study Artificial Recharge Max Beneficial Use Water). The motion failed for lack of a second.

SB20-201 (Species Conservation Trust Fund Projects)

SWCD discussed this bill and did not take a position.

HB20-1338 (Operational Severance Tax Transfer to Agriculture Value-Added)

The SWCD board maintained its position of opposition to this legislation.

5.0 Adjournment

Robert Wolff adjourned the meeting at 9:45 a.m.

Next Meeting

June 3, 2020	9:00 a.m.	Special Board Meeting via Teleconference
June 30-July 1, 2020	TBD	Regular Board Meeting



Robert Wolff, Board President