

Southwestern Water Conservation District
Board of Directors Special Meeting via Teleconference
June 3, 2020

Present: JR Ford David Guilliams Jenny Russell
Don Schwindt Charlie Smith Doug Stowe
Robert Wolff

Absent: Rusty Hinger Monte Naslund

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: Ken Curtis, Dolores Water Conservancy District
Marcel Gaztambide, San Juan Citizens Alliance
Ann McCoy-Harold, U.S. Senator Cory Gardner's Office
Ed Millard, Southwest Basins Roundtable
Stephen Monroe, National Park Service
Gigi Richard, Four Corners Water Center at Fort Lewis College

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: 00:01:20)

There was consensus to approve the agenda as noticed.

3.0 Questions and Comments from Audience

(time: 00:02:00)

There were no comments from the audience.

4.0 Report on Current Hydrologic Conditions

(time: 00:02:20)

Frank Kugel summarized current hydrologic conditions in southwestern Colorado. The District is in either D2 (severe) or D3 (extreme) drought conditions. He reviewed below average streamflows from around the basin. The six-ten day outlook predicted below-average temperatures and precipitation. The long-range forecast predicts a dry summer.

5.0 Update on COVID-19 Impacts & Responses

(time: 00:08:00)

5.1 SWCD Operations & Office

Frank Kugel reported that SWCD has completed the San Juan Basin Public Health (SJBPH) business self-certification process for operating in the context of COVID-19.

5.2 Board Meeting June 30-July 1 (Location & Format)

Given that Governor Polis has extended the “Safer at Home” order through July 1, 2020, which limits in-person gatherings to 10 people, Bob Wolff recommended that SWCD’s June 30-July 1 regular board meeting be held via videoconference. There was board consensus to hold an all-day virtual board meeting on June 30th with an hour lunch break.

6.0 Proposed SWCD Outreach Webinar

(time: 00:13:50)

Frank Kugel recommended that SWCD coordinate with the Four Corners Water Center at Fort Lewis College to host an outreach webinar like the River District’s recent “State of the River” event. The SWCD board did not take action on this request and instead directed staff to prepare a draft webinar agenda for further consideration at the June 30th meeting.

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

(time: 00:20:10)

Laura Spann shared the most recent SWCD legislative report. Of the 31 water-related bills SWCD has been tracking during the 2020 legislative session, 9 are still under consideration, 8 passed and were signed into law by the governor, and 14 were postponed indefinitely or laid over.

HB20-1403 (Colorado Water Conservation Board Construction Fund Project)

The Colorado Water Congress State Affairs Committee supports this bill, as amended to repeal funding for Water Education Colorado for fiscal year 2021 only. Don Schwindt moved that SWCD support the amended version of HB20-1403 (Colorado Water Conservation Board Construction Fund Project). David Guilliams seconded. The motion passed.

Laura Spann noted Water Education Colorado lost approximately 18% of its total revenue for FY2021 as a result of HB20-1403 and then described the changes made to address the lost revenue.

SCR20-001 (Repeal Property Tax Assessment Rates)

Beth Van Vurst noted that a Senate Concurrent Resolution was recently introduced to submit a ballot question to electors in November for repeal of the Gallagher Amendment, which requires that the Colorado General Assembly periodically change the residential assessment rate in order to maintain the statewide proportion of residential property as compared to all other taxable property valued for property tax purposes. The ballot question would also repeal the nonresidential property tax assessment rate of twenty-nine percent. SCR20-001 (Repeal Property Tax Assessment Rate) passed out of Senate Finance and was fast-tracked for Senate Floor consideration.

8.0 Update on Paradox Valley Unit Operations

(time: 00:32:00)

Frank Kugel provided background on the Environmental Impact Statement currently being prepared by the U.S. Bureau of Reclamation for its Paradox Valley Unit, which reduces salt loading in the Dolores River and broader Colorado River System. Reclamation is conducting a six-month test period for reduced pumping (60% of previous levels), which began on April 22nd, to evaluate the impact to seismic activity and salt loading. So far, Reclamation has not noted any seismic activity attributable to the current pumping while still showing decreasing salt loading.

9.0 Update on RGWCD’s SWSP Application pursuant to C.R.S. 37-92-308(5) for the 2020/2021 water year

(time: 00:35:35)

Beth Van Vurst provided background on the Rio Grande Water Conservation District’s (RGWCD) Substitute Water Supply Plan (SWSP) application filed in mid-March to change 751.54 acre-feet of transmountain water for use as a replacement source in the annual replacement plans for the RGWCD’s various sub-districts. The transmountain water was previously diverted through the Pine River Weminuche Pass Ditch in the Pine River Basin and Williams Creek Squaw Pass Ditch in the Piedra River Basin. SWCD submitted comments to the State Engineer’s office on the

application requesting proof that any water diverted was done so in accordance with existing decrees and that the proposed change would not cause injury to water users in the San Juan River basins. The board was directed to SWCD's comment letter and the RGWCD's response. SWCD will be requesting additional information from the RGWCD and will provide an update at the June 30th board meeting.

10.0 Proposed Modification to 2020 SWCD-USGS Joint Funding Agreement for the Mancos River near Towaoc Gage

(time: 00:37:35)

Frank Kugel reported that SWCD has contributed funding to operation of the USGS Mancos River near Towaoc gage, along with US Bureau of Reclamation, US Geological Survey, and the Ute Mountain Ute Tribe. In the past, SWCD has collected the Ute Mountain Ute Tribe's contributions and then transferred those funds to the USGS. Going forward, the Tribe will contribute their portion of the funding directly to USGS. Frank requested that the board authorize a modification to the agreement to remove the Tribe's contribution from SWCD's funding commitment. Don Schwindt moved to approve the proposed modification to the 2020 SWCD-USGS Joint Funding Agreement. JR Ford seconded. The motion passed.

11.0 Proposed Meteorological Consulting Services Agreement

(time: 00:40:00)

Frank Kugel reported that, as part of southwest Colorado's weather modification program permit requirements, an annual, independent target-control evaluation must be submitted. The board was asked to approve the proposed 2020 meteorological consulting services agreement with North American Weather Consultants for \$4,250 to complete the target-control evaluation of the 2019-2020 winter season. Ken Curtis further detailed additional permit requirements for program quality control and noted that the 2020 CWCB Projects Bill includes a proposed increase in statewide weather modification funding. This agenda item was recommended for further discussion in executive session.

12.0 Executive Session (if necessary)

(time: 00:45:45)

Beth Van Vurst recommended that the board move into executive session for the purpose of discussing the Paradox Valley Unit Draft Environmental Impact Statement and the proposed meteorological professional services consulting agreement. 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. Don Schwindt seconded. The motion passed by unanimous consent.

Report Out of Executive Session

Beth Van Vurst announced that the board was out of executive session at 10:07 a.m. The board discussed the Paradox Valley Unit Draft Environmental Impact Statement and the proposed meteorological professional services consulting agreement. No action was taken during the executive session.

Don Schwindt moved to approve the 2020 proposed meteorological consulting services agreement with North American Weather Consultants. Charlie Smith seconded. The motion passed.

13.0 Adjournment

Robert Wolff adjourned the meeting at 10:10 a.m.

June 3, 2020

Next Meeting

June 30, 2020

8:30 a.m.

Regular Board Meeting



Robert Wolff, Board President