

**Southwestern Water Conservation District
Board of Directors Special Meeting via Zoom
April 21, 2021**

Present: JR Ford David Guilliams Rusty Hinger
Amy Huff Monte Naslund Jenny Russell
Don Schwindt Charlie Smith

Absent: Doug Stowe

Staff: Laura Spann, Programs Coordinator

Consultants: Chris Treese, Independent Consultant
Beth Van Vurst, Van Vurst Law, General Counsel

Guests: Ken Curtis, Dolores Water Conservancy District
Marcel Gaztambide, San Juan Citizens Alliance

1.0 Call to Order – Roll Call and Verification of Quorum

President Jenny Russell called the meeting to order at 9:02 a.m. Roll was taken and a quorum established.

2.0 Review and Approve Agenda

(time: 00:00:45)

There was board consensus to approve the agenda as noticed.

3.0 Questions & Comments from the Audience

(time: 00:01:00)

Marcel Gaztambide, San Juan Citizens Alliance, thanked the board for the making the water-focused state legislative updates publicly available.

4.0 New Business

4.1 State Legislative Update & Position on Bills

(time: 00:01:30)

Chris Treese reported that the state legislature crossed the half-way milestone last week in this COVID-altered year. In addition to attention to the state budget bill, SB21-205, legislators have been busy introducing new bills in the past two weeks.

Chris described SB21-234 (General Fund Transfer Agriculture and Drought Resiliency), which creates a short-lived agriculture and drought resiliency fund in the Colorado Department of Agriculture with a one-time, three-million-dollar General Fund transfer from the current (2020-21) fiscal year's budget. The Department of Agriculture would use the fund to "anticipate, prepare for, mitigate, adapt to, or respond to events, trends, or climatological disturbances related to drought or climate." The bill directs the development of a "hay bank" to provide "adequate resources for livestock in times of drought" and "supporting recovery of grazing lands following wildfire(s)." Chris recommended monitoring SB21-234. Amy Huff moved that SWCD support SB21-234. Don Schwindt seconded. The motion passed.

SB21-237 (Create Forest Health Council in Department of Natural Resources) repeals and recreates the recently (2016) created Forest Health Advisory Council currently within the State Forest Service (within Colorado State University (CSU)) and moves it to the division of forestry within the Department of Natural Resources. It also makes changes to the council's membership (23 members) and duties. Finally, it schedules the new council for sunset in 2026. The stated purpose of the new council is "to advise the Governor and General Assembly on a broad range of issues, opportunities, and threats with regard to Colorado's forests." There was board consensus that SWCD monitor SB21-237.

SB21-240 (Watershed Restoration Grant Program Stimulus), which is co-sponsored by two legislators representing southwestern Colorado, transfers General Fund monies to the Colorado Water Conservation Board's construction fund for watershed programs. Specifically, the appropriated \$15 million is to be used predominantly for grants to "protect against the impacts of wildfires through the existing watershed restoration grant program and for conducting a statewide watershed analysis to investigate the susceptibility of life, safety, infrastructure, and water supplies to wildfire impacts." Monte Naslund moved that SWCD support SB21-240. Rusty Hinger seconded. The motion passed.

HB21-1266 (Environmental Justice Disproportionate Impacted Community) has a stated purpose of redressing the effects of environmental injustice on disproportionately impacted communities. It creates a nineteen-member task force, including two members appointed by each of Colorado's two tribes. The mission of the task forces is to "propose recommendations to the General Assembly regarding practical means of addressing environmental justice inequities." There was board consensus that SWCD monitor HB21-1266.

HB21-1268 (Study Emerging Technologies for Water Management) requires CU and CSU to study potential uses of emerging technologies to manage Colorado's water supply more effectively. Specifically, "blockchain, telemetry, improved sensors, and advanced aerial observation platforms" are mentioned for "feasibility study and pilot deployments." The bill makes a legislative finding that these technologies "can improve monitoring, management, conservation, and trading of water and enhance confidence in the reliability of data underlying water rights transactions." It appropriates \$20,000 each to CU and CSU, conditioned on the receipt of matching funds to conduct the studies. The results of the study shall be presented at a hearing of the Water Resources Review Committee by July 15, 2022. There was board consensus that SWCD monitor HB21-1268.

Chris reported that Colorado Department of Public Health and Environment's (CDPHE) has floated a draft bill to address an identified "gap" in water quality protections under the current Waters of the United States definition under the Clean Water Act. CDPHE has not yet secured legislators to sponsor and introduce this bill during the 2021 session. The board directed continued consultant involvement in development of any legislation on this topic.

5.0 General Counsel Report

5.1 Application of Salem Mineral, Inc. et al. for Finding of Reasonable Diligence, Case No. 20CW3036, Water Division 7 – Consideration of Proposed Settlement *(time: 00:34:30)*

Beth Van Vurst described the proposed settlement to resolve SWCD's opposition in Case No. 20CW3036, application of Salem Minerals, Inc. et al, and recommended its approval. Charlie Smith moved to approve the proposed settlement in Case No. 20CW3036. Monte Naslund seconded. The motion passed.

6.0 Executive Session (if needed)


There was no need for executive session.

7.0 Summary and Action Items from Executive Session

There was no need for executive session.

8.0 Adjournment

President Russell adjourned the meeting at 9:41 a.m.



Jenny Russell, President