

MINUTES¹
SPECIAL JOINT MEETING OF THE BOARD OF DIRECTORS
OF THE COLORADO RIVER WATER CONSERVATION DISTRICT
AND OF THE COLORADO RIVER WATER CONSERVATION DISTRICT
ACTING BY AND THROUGH ITS COLORADO RIVER WATER PROJECTS ENTERPRISE

March 3, 2015

Pursuant to notice duly and properly given, a special joint meeting telephone conference of the Board of Directors of the Colorado River Water Conservation District (CRWCD) and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise was held on Tuesday, March 3, 2015, at the offices of the Colorado River Water Conservation District, 201 Centennial Street, Glenwood Springs, Colorado.

Directors participating during all or part of the meeting:

Jon Stavney, President	David Merritt
Marc Catlin	Doug Monger
John Ely	William Trampe
Rebie Hazard	Alden Vanden Brink
John Justman	Martha Whitmore

Directors not participating:

Tom Alvey, Vice-President	James Newberry
Tom Gray	Stan Whinnery
Gary Martinez	

Others participating during all or part of the meeting:

Dan Birch, Deputy General Manager, CRWCD
John Currier, Chief Engineer, CRWCD
Laurie DePaolo, Executive Assistant, CRWCD
Peter Fleming, General Counsel, CRWCD
David Kanzer, Senior Water Resources Engineer, CRWCD
Eric Kuhn, General Manager, CRWCD
Martha Moore, Public Affairs Specialist, CRWCD
Jim Pokrandt, Director, Community Affairs, CRWCD
Ray Tenney, Deputy Chief Engineer, CRWCD
Chris Treese, Manager, External Affairs, CRWCD
Audrey Turner, Administrative Chief, CRWCD
Torie Jarvis, Northwest Colorado Council of Governments

Quorum.

President Stavney found a quorum and called the meeting to order at 12:03 p.m.

General Manager Report.

Eric Kuhn updated the Board on the continuing services contract with Hydros Consulting (John Carron) to provide modeling support and contingency plan analysis to the Colorado River District (River District), the Colorado Water Conservation Board (CWCB), and to the Upper Division states. Don Ostler (Upper Colorado River Commission) and Ted Kowalski (CWCB) assisted the River District with the compilation of an updated Scope of Work. The CWCB will be funding the additional work through a \$50,000 purchase order with the River District.

Director Trampe moved, seconded by Director Ely, to approve a contract amendment increasing Hydros Consulting continuing services contract cap from \$240,000 to \$290,000. Motion carried unanimously.

¹An audio recording has been made of the meeting. The motions described herein may not necessarily represent a verbatim transcription. The audio recordings are available for listening at the CRWCD offices during regular office hours. These minutes are the official record of the Colorado River Water Conservation District's meeting.

Dave Kanzer updated the Board on the previously approved contractual agreement authorizing the River District to serve as Fiscal Agent for funding from the CWCB and managed by the River District on behalf of Bostwick Park, Crawford and North Fork Water Conservancy Districts. Additional monies are needed to retain the necessary technical assistance and engineering services to conduct Master Planning studies that will identify opportunities for irrigation system improvements that may provide future selenium and possible salinity control benefits. These districts are targeted for potential significant investment for water use efficiency improvements from the recently awarded \$8MM Regional Conservation Partnership Program grant.

Director Trampe moved, seconded by Director Ely, to authorize the General Manager to enter into a contractual agreement with the CWCB and to act as the Fiscal Agent on behalf of three water conservancy districts in the Lower Gunnison River Basin. The funds for this request are projected to be from the CWCB Species Conservation Trust funds and are not to exceed a total of \$186,000 over a period not to exceed 22 months (until 12/16). Motion carried unanimously.

State Affairs.

Chris Treese presented and the Board acted on the following legislative matters:

HB 15-1225 CONCERNING THE PROVISION OF STATE ASSISTANCE TO LOCAL GOVERNMENTS FOR THE PURPOSE OF IMPROVED COORDINATION IN FEDERAL LAND MANAGEMENT DECISION-MAKING, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

This bill requires the governor, in cooperation with the Department of Natural Resources and Department of Local Affairs, to make available technical support to aid local governments when entering into cooperating agency relationships with federal agencies to: 1) share information and expertise with federal land managers; 2) develop local land use/management plans; 3) hire consultants to perform analyses of local government interests; and 4) enter into memoranda of understanding with federal land management agencies; or similar methods to improve coordination, cooperation, and collaboration in federal land management decision-making. This bill allows for funding from the Mineral Impact fund.

Director Whitmore moved, seconded by Director Trampe, to **support HB 15-1225**. Motion carried unanimously.

HB 15-1210 CONCERNING REVIEW BY THE GENERAL ASSEMBLY OF ENVIRONMENTAL RULES REQUIRED TO MAINTAIN THE OPERATION OF STATE ENVIRONMENTAL LAW IN LIEU OF FEDERAL ENVIRONMENTAL LAW.

Mr. Treese noted that the board has a position of "monitor," however, new developments may warrant a change.

This bill requires legislative approval of any new or updated state agency rule required by the Environmental Protection Agency (EPA) before the agency can send it to the EPA for approval. Of particular concern is that the bill strikes existing legislative rule review requirements for all rules irrespective of which federal agency requires the rule.

Concerns expressed by Board Directors include: 1) consequences of an undesirable approval by the legislature; 2) lack of consideration of rules that are not environmentally-related by the legislature; 3) the state could lose its primacy over implementation of federal environmental programs; 4) the potential for EPA to require a rule when the General Assembly is not in session, causing undue, and possibly unacceptable delay; and 5) for permitting agencies to become over-reaching with the legislature deciding regulations.

Director Whitmore moved, seconded by Director Vanden Brink, to change the board's position of monitor to one of support in concept for HB 15-1210. Directors in favor of the motion: Catlin, Justman, Merritt, Vanden Brink and Whitmore. Directors against the motion: Ely, Hazard, Monger, Stavney and Trampe. Motion failed.

The Board subsequently acknowledged its position remains **monitor HB 15-1210**.

HB 15-1247 CONCERNING FEES COLLECTED BY THE STATE ENGINEER FOR REVIEW OF DAM SAFETY.

This bill increases the fee the state engineer collects for dam project design review from \$3 to \$6 per \$1,000 of projected cost. It also adds a fee of \$2,000 per year for the required annual inspection of dams on which the state engineer has imposed a storage restriction.

Concerns expressed by Board Directors include the potential financial hardship on dam owners and the difficulty of collecting on dams that do not have clear ownership.

Director Hazard moved, seconded by Director Trampe, to **amend HB 15-1247** to **accept** the increase of the of dam project design review to \$6 per \$1,000 of projected cost and to **oppose** the \$2,000 fee for the annual inspection of dams that have storage restrictions. Motion carried unanimously.

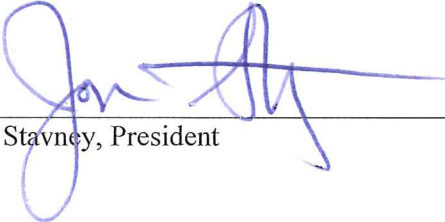
HB 15-1249 CONCERNING AMENDMENTS TO FEES ASSOCIATED WITH WATER POLLUTION CONTROL.

Provisions of this bill: 1) recodifies existing statutory fee structure but does not change the amounts of the existing fees; 2) reorganizes the existing fees into 5 new sectors; 3) introduces new fees for regulated activities associated with pesticide application, 401 certification, and new permit applications.; and 4) extends the existing statutory expiration dates for permits associated with animal feeding operations.

Director Merritt moved, seconded by Director Trampe to **support HB 15-1249**. Motion carried unanimously.

Adjournment:

There being no other business before the Board, President Stavney adjourned the meeting at 12:53 p.m.



Jon Stavney, President

ATTEST:



R. Eric Kuhn, Secretary/General Manager