

ARKANSAS BASIN ROUNDTABLE

Website: www.arkansasbsin.com

Email: arkbasinrt@gmail.com

Wednesday August 12, 2020

Start Time: 12:30 pm

Virtual Meeting using the following link:

GoToMeeting Link: <https://global.gotomeeting.com/join/631824957>

- 12:30-12:40** **WELCOME AND INTRODUCTIONS – Mark Shea [10 min]**
Introductions
Approval of minutes – May 2020
Public Comment
- 12:40 – 1:15** **Reports [35 min]**
Executive Committee – Mark Shea (5 min)
CWCB Report – Sam Stein, Russ Sands, and Greg Felt (5 min)
IBCC Report – Jeris Danielson and Terry Scanga (5 min)
PEPO – Amber Weber (5 min)
Needs Assessment Committee – Abby Ortega (5 min)
Environmental and Recreational – Bob Hamel, Amber Shanklin, and Rena Griggs (5 min)
Arkansas River Watershed Collaborative (ARWC) – Chelsey Nutter and Mark Shea(5 min)
- 1:15 – 2:00** **BIP Update– Mark Shea, Will Koger, Brett Gracley [45 min]**
Update on Projects
Scope of Work Update
Tiered Matrix from B/C
- 2:00 – 2:45** **Instream Flow Rules and Revisions [45 min]**
Linda Bassi

ADJOURNMENT

Upcoming Meetings

Arkansas Basin Roundtable – August 12, 2020 (virtual)

Subcommittees

- Enviro/Rec Comm. – August 24, 2020 @ 10:00 am
- CWCB – September 16 & 17, 2020
IBCC Meeting – September 21, 2020

Additional GoToMeeting Information:

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/631824957>

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Arkansas Basin Roundtable

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ROUNDTABLE MEETING NOTES

August 12, 2020

GoToMeeting Link: <https://global.gotomeeting.com/join/631824957>

More information and presentations may be found at: www.arkansasbasin.com

Roundtable Business

Mark Shea called the meeting to order at 12:30 pm. Members and visitors introduced themselves. Twenty five (25) members were present.

Approval of minutes of prior meeting

The meeting notes of the July 2020 meeting were approved by consensus.

Public Comment - none

REPORTS:

Executive Committee – Mark Shea

The Executive Committee met this morning. Mark announced that Amber Weber has decided to step down as PEPO Coordinator. Mark thanked Amber for her work.

CWCB Report – Greg Felt, Sam Stein, Russell Sands New website: cwcb.colorado.gov

The CWCB meets next on September 16 and 17. Public comment is being taken through the 28th regarding the demand management update. Go to: engagewcwb.org to give feedback. There will be a virtual meeting on demand management on August 26th. There will be a CWCB board workshop on September 2nd.

Sam thanked roundtable members for their participation. CWCB is preparing to set up an all-chair meeting, which will discuss the tier matrix and CWCB criteria and guidelines.

Executive order Safer At Home has been extended. No meetings of more than 10 people. CWCB staff are working from home. Thankful for all.

Greg Felt had hoped to make some field trips by this point. He'd welcome phone calls and conversation regarding roundtable issues. His number is 719-530-1118, and email address is gfelt@chaffeeconomy.org.

Phase 2 of the Drought Task Force has been activated by the governor. Ag Impacts Task Force is activated in this phase. The task force really wants to hear from producers that have been affected by the drought. Please go to the website to contact.

IBCC Report – Jeris Danielson, Russell Sands

The last two IBCC meetings focused almost exclusively on demand management and what equity is. September 21st will be the next meeting. Jeris expressed frustration and looks forward to discussing where the IBCC is headed at the next meeting. IBCC's role is in some ways a representative role, carrying the spirit of representation, bringing roundtable feedback back to the state.

Jeris asked Russ about what the other upper basin states are thinking about the demand management idea. If any of the other upper basin states say no, demand management won't be a solution that works. Russ reported that the other upper basin states are having similar conversations.



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PEPO – Amber Weber

- The only funding PEPO has left is the \$6,500 per year for education and outreach. The other two grants will be closed out by the end of the month. Funds remaining are for
- Amber demonstrated on the shared screen changes to the Basin Implementation Plan tab, showing how to update IPPs.
- The story map has been restructured. Go to the Ark Basin Details tab. Scroll down on the screen to reach the story map. This map is viewable by main type of project: Ag, Muni, Enviro-Rec, etc. Another map may be found under the More tab. Choose Basin Implementation Plan and scroll down to see a second story map that sorts projects by their status of: Completed, Concept, Planned or Ongoing.
- Amber welcomes project-specific photos.

Needs Assessment – Abby Ortega

Three grants moved forward at the latest CWCB meeting. Our basin spent \$79,000 in basin funds and around 500,000 in statewide funds. Will know due dates for the next round of funding by the September meeting.

Environment/Recreation Committee – Bob Hamel, Rena Griggs, Amber Shanklin

The Enviro/Rec Committee met on June 29th.

The committee is trying to arrange a meeting with Abby Burke. She's from a west slope roundtable and is reaching out to other enviro-rec committees around the state to discuss what other enviro/rec groups are doing. Still moving ahead with understanding what enviro/rec projects will look like in the new BIP. A lot of our projects are also ARWC projects.

Browns Canyon record of decision has been released and is available through the BLM office. VFMP has allowed for an incredibly successful season this year. Will be back to native flows after this weekend. Flows will likely be in the low 300 cfs range. Bob thanked program participants.

Rena is meeting tomorrow with Parks and Wildlife to go over the projects on their list.

Bob – After the Enviro/Rec meeting minutes went out last month Jay Winner complained that enviro-rec is only focusing on the west side of I-25. Bob wants to say that is not true and he was disappointed about this feedback. Please contact Bob, Enviro/Rec needs to hear from those that are east of I-25.

Julie Knudson described that a big part of their stream management planning is east of I25.

Mike Weber – thinks that Bob needs to come down and reach out. There is work down here. Mike mentioned the Amity project as an example.

Rena reported on the Amity project, which she found interesting, because when they were approached from the enviro side, they were hesitant to do that. But they later did make a CWCB loan app to make repairs. At that point, they left Rena out of the loop. Also, Chelsey and Amber did go down there and met with Amity. ARWC services were offered, but they never heard anything back. They got the sense that the Amity folks knew what they wanted to do and were comfortable moving forward without support. Mike thanked all for the follow-up regarding Amity.

Mark encouraged roundtable members and stakeholders to attend meetings and to ask questions and give feedback during meetings. If there are concerns, please bring them forward in a professional and courteous manner. We are trying to do the best we can.

Arkansas River Watershed Collaborative – Chelsey Nutter



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Chelsey thanked Amber for the Story Map update. She expressed her appreciation for that work. It was started by COCO, but Chelsey didn't have the capacity to move it forward. Thank you for the great relationship between ARWC and PEPO.

Project Updates:

- We do have a grant out there that we refer to as the Science Plan. The intent is to bring together all of the water quality data out there and put it together in a way that would be searchable. We do now have a platform available to work with.
- Monarch Pass Steep Slope Mitigation Project – moving forward. Equipment is mobilizing as we speak. Working with Miller Timber and the Forest Service. Sam Ebersole will be doing some footage of the project. 2-year project.
- Hayden Pass Fire – wrapping up that project. Did a lot of work on the ground last year. Looking at longer-term recovery projects, like habitat restoration. Putting together a case study that can be used by others for post-fire recovery, possibly nationwide.
- Decker Fire – continuing to work with Chaffee County. 2 of 7 EWP projects have been completed. There are also additional projects that will be funded by CDPHE.
- Spring Fire – wrapping up modeling and engineering work. Meeting on Friday with CWCB, Huerfano County WCD and subcontractors. Try to identify projects for the next scope of work. A lot of flooding has been occurring due to this fire. Nothing that has reached town, thankfully. Have to rethink some of the projects as a result. Some areas can no longer be accessed because roads have been washed out.
- Mitigation work – Lake County will be the primary focus. Plan out mitigation projects. Projects that will work to protect critical water resources up there.
- BIP Process – Chelsey has been focusing on the BIP work, working with the committee. Started the outreach process. Looking for projects. Trying to explain to folks how to update projects and get new projects on the list.

The Executive Committee in their role as ARWC Board Members continue to discuss how to move ARWC forward and set it up for best success. Both Amber and Chelsey will stay involved in the BIP update process.

CWCB Instream Flow Rules and Revisions HB1157 – Linda Bassi

Linda presented the process that CWCB is undertaking to implement HB20-1157 and discussed the rule-making process.

- CWCB Instream Flow Program was established in 1973 by state legislature.
- CWCB is the only entity in the state that can hold In-Stream Flow (ISF) water rights to preserve or improve the natural environment to a reasonable degree.
- Can appropriate and adjudicate new ISF water rights or acquire water for ISF purposes through purchase, lease or donation.
- HB20-1157 amended the statute governing temporary loans of water for instream flow use.
- CWCB will revise ISF rules to implement HB20-1157 and to make two non-substantive changes.
- Prior to HB20-1157, temporary loans were limited to ISF use for a period of 120 days, and 3 years of use over a 10-year period.
- The new bill established two types of temporary loan: expedited and renewable.
- Expedited loans may be exercised for up to one year – applicant may not apply for an additional expedited loan.



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- Renewable loans may be exercised for 5 years over a 10-year period and for no more than 3 consecutive years.
- Applicants may reapply for a renewable loan for up to two additional 10-year periods.
- CWCB may use water under a renewable loan to improve the natural environment.
- CWCB is required to promulgate rules to implement the bill.
- The rule-making process is underway, and includes:
 - Informal stakeholder meetings and input
 - Public invited to submit written comments to CWCB staff
 - Staff request for CWCB board authorization to proceed to formal rulemaking
 - Rulemaking Hearing (potentially January 2021)
- Linda discussed draft proposed revisions.

BIP Update – Brett Gracely, Will Koger

Brett described the Work Plan, which will be distributed to the roundtable and is not captured in its entirety here:

- Sub-committees are assisting with BIP info gathering.
- Process for collecting project data.
- Updating existing projects.
- Assimilation of new information for existing projects and 18 new projects thus far.
- Special Studies work plan allocates \$10,000 to the assessment and development of projects meeting rural community needs and \$10,000 for scoping assessments that would define future work and co-funding opportunities. Topics that might be included: updated Ag economics, enviro/rec and forest health evaluations.
- There will be a state-wide tier system that will be implemented.
- Focus now is on updating existing projects.

The Arkansas Basin has been divided into Six Sub-Regions:

1. Upper – Headwaters downstream to Chaffee-Fremont County line includes Chaffee, Custer and Lake counties.
2. Central – Fremont and Pueblo counties along the Arkansas River
3. Lower – Mainstem of Arkansas from Pueblo – Otero/Crowley county line to state line includes Bent, Crowley, Otero, and Prowers counties.
4. Northeast – Tributary watersheds north of the mainstem includes Cheyenne, Kiowa, Lincoln counties.
5. Southeast – Tributary watersheds south of the mainstem comprised of the Purgatoire and Huerfano-Cucharas basins includes Huerfano, Las Animas, and Baca counties.
6. Fountain Creek – Northern tributary watershed includes El Paso and Elbert counties.

Brett Gracely: brett.gracely@lrewater.com

Will Koger: wkoger@forsgren.com

Mark – the Coordinating Committee has been meeting regularly with Brett and Will. Will get a draft Work Plan out to the Roundtable for approval in September. Mike and Amber have been reaching out to folks in the Lower Basin and having conversations there. Chelsey has been doing the same in the Upper Basin. These conversations will lead into the regional workshops, which will be followed up with individual conversations as needed.



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Mike and Amber have started with meeting with county commissioners. They describe the BIP as it stands, the history, the updating process, how to submit projects, the tier matrix. Ask about new projects, potential projects. Mention the regional workshops. Will be meeting with local cities next. As the canal companies have annual meetings, will attend those. Will include these counties: Otero, Prowers, Bent, Kiowa, Cheyenne, perhaps Lincoln, Pueblo, Baca. Feel free to call.

Chelsey has a similar approach. She started by identifying project proponents from the 2015 BIP and reached out to them. Sent them to the website and to the form and asked for updates. Now reaching out to county representatives, including Lake, Fremont, Custer, Chaffee, Huerfano Counties. Also reaching out to non-profits that have had projects in the past or might want to in the future. Will approach municipal entities next. Hoping that folks start their own lists that they bring to a regional workshop in order to complete.

Mark appealed to roundtable members to also be speaking with constituents and possible project proponents. Brett and Will will fill in basin areas that are not being covered by Amber, Mike or Chelsey.

Tiering Matrix: The matrix is under development. The goal is to determine which projects are ready to go, which is a statewide WIG goal.

Amber: DARCA is hosting webinars that may be of interest to RT members: <https://www.darca.org/webinars>

The meeting was adjourned at 3:06 pm.

Admin Email: ARKBASINRT@GMAIL.COM

MEETINGS/LINKS: (all meetings in 2020 will be virtual)

- Arkansas Basin Roundtable: September 9th, 12:30 pm www.arkansasbasin.com
- Enviro/Rec Committee – August 31 at 10:00 am
- CWCB Meeting: September 16 & 17
- IBCC Meeting: September 21
- PEPO: www.pepoarkbasin.com
- Arkansas River Basin Water Forum: <http://www.arbwf.org/>
- CWCB: <http://cwcb.state.co.us/Pages/CWCBHome.aspx>
- Colorado Water Plan: <http://coloradowaterplan.com/>
- Colorado Flood Threat Bulletin: www.coloradofloodthreat.com
- Stream Management Plan Resource Library: <https://coloradosmp.org/>
- In-Stream Flow Rule Revisions: <https://cwcb.colorado.gov/instream-flow-rules-revisions-hb-20-1157>

ARKANSAS BASIN ROUNDTABLE

EXECUTIVE COMMITTEE

Agenda

Wednesday, August 12, 2020

Start Time: 10:30 am

GoToMeeting Link: <https://global.gotomeeting.com/join/631824957>

Greetings and necessary introductions

Minutes/Notes of the previous meeting

ARWC Board Meeting

- Projects Update
- Executive Director Update

Reoccurring matters

- Chair Comments – Mark Shea
- ABRT BIP Update/Local Expert
- Other Outstanding Reports – Any executive member

New Business

- None

Work Session

- None

Old Business

- None

Needs Assessment Meeting

- None

Roundtable Business

- None

Upcoming Meetings

- Arkansas Basin Roundtable – September 9, 2020
- Subcommittees
 - Enviro/Rec Comm. – July 27, 2020
- CWCB Board Meeting – September 16 & 17
- IBCC – September 21

Adjourn

Additional GoToMeeting information:

Committee membership: Mark Shea (Ch), Bob Hamel (VCh-NonC), Mike Weber (VCh-Cons), Mike Fink (Rec), Sandy White (Past-Ch), Greg Felt (CWCB), Jeris Danielson (IBCC), Terry Scanga (IBCC), Tim Canterbury (IBCC Alternate), Abby Ortega (Needs Assessment), Amber Weber (PEPO), Paul Fanning (Legislative Rep)

Additional distribution: Sam Stein (CWCB Staff), Chelsey Nutter (ARWC Coord.), Elise Bergsten (Secretary), Amber Shanklin (Environmental), Sara Mudge (ARWC Board Member)

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Additional distribution: Sam Stein (CWCB Staff), Chelsey Nutter (ARWC Coord.), Elise Bergsten (Secretary), Amber Shanklin (Environmental), Sara Mudge (ARWC Board Member)



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Executive Committee Meeting Notes

August 12th 2020 – GoToMeeting

www.arkansasbasin.com

Executive Committee Present: Mark Shea – Chair; Mike Weber - Vice Chair; Mike Fink – Secretary; Abby Ortega – Needs Assessment Committee; Al Tucker, Jeris Danielson, Amber Weber – PEPO; Amber Shanklin – Secretary of ARWC; Chelsey Nutter – ARWC; Paul Fanning, Sandy White – Past Chair; Greg Felt - CWCB Representative; Bob Hamel – Vice Chair; Brett Gracely and Wil Koger - Consultant; Russell Sands & Sam Stein – CWCB; Sarah Mudge, Jack Goble.

Call to order:

Chairman Mark Shea called the meeting to order at 10:35 AM. Greetings and introductions were performed.

Minutes:

Consensus approval for the July 8th, 2020 Meeting Minutes.

ARWC Board Meeting:

- **Project update:** Chelsey states that Monarch is mobilizing equipment, video footage will be available and ARWC plans on having tours set up starting in the year 2021.
- ARWC is wrapping up work down in Hayden Pass Fire. They have realized that this project is a really great case study moving forward for other communities. ARWC and River Science is collaborating on a case study that will be available in written form and also placed in a story map.
- Decker Fire mitigation continues to move forward; they are working on projects and getting final designs approval from NRCS.
- ARWC experienced some flooding in Bear Creek, the county was out there right away fixing roads and providing support to help the community get in and out of their homes.
- 2 out of 7 EWP projects have been completed; they fully expect to finish these projects by the deadline.
- CDPHE grant continues to move forward ARWC plans to put in a low water crossing in areas that have some concerns. The other part of that grant is being used for Silver Hills Gulch which is a drainage for Bear Creek.
- The Spring Creek Fire area continues to get hit hard with flooding.
- ARWC continues to work with the sub communities on the BIP update.
- **Executive Director Update:** Chelsey expressed that the setup for the Executive Committee and the Roundtable members (acting as the Board of Directors for ARWC) just isn't working. She feels ARWC is doing a great job but feels that there might be a disconnect. Her suggestion to the board is to rethink about that structure and possibly build another board for ARWC that consist of folks that are interested in watershed health, forest health, and post fire recovery who feel like it's a benefit to the organization.
- Chelsey would like to request one more ARWC meeting towards the end of August, Chelsey has some projects she is wrapping up such as, Fire and Flood video, ARWC strategic plan, and the Annual Report for 2020 etc.



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Reoccurring Matters:

- **Chair Comments (Mark Shea):** No chair comments
- **ABRT BIP Update/Local Expert:** Brett briefly went through some activities that were outlined during the last 30 days. He will discuss these activities in more detail during the whole Roundtable membership meeting.
 - Local Experts drafted a work plan out and submitted it to CWCB general contractor.
 - Local Experts continue bi-weekly calls with the general contractor on Friday mornings.
 - Local Experts will go through the status of the projects data base and what's going on with that work, how many projects have been added, where the primary activity has been occurring and how that has been happening.
 - Local Experts will discuss the upcoming workshops with the 6 sub-regional planning areas that have been defined.
 - Local Experts will discuss how they will move forward with task order three (3).
- **Q:** Mike Fink notes that this Friday, August 14th is the closing date, but states that he's working with people in El Paso County to put together documentation for entry and it may not be done before Friday it may be sometime next week will you accept that?
A: Yes! The point of the task order was to start the process, there will be a cut-off date towards the end of the overall process where we really need to be in the final drafting of the BIP documents itself, and we can't have all the information changing at that point. Brett mentions if the board members would like to email a list of those projects, he can send the updated forms and enter those directly.
- Sandy White stated that they are having a hard time finding the time to fill out all applications. Sandy was wondering if Brett could contact the consulting engineer that did the 30% plans on our reservoirs, and Sandy will find time to do the rest, but it won't be ready by Friday, August 14th.
- Sandy also received an email from Chelsey about the BIP update and was wondering if the Local Experts could step-up the communication with Chelsey some more.
- **Q:** Bob Hamel wanted some more information regarding the outdoor recreation in other Basins "slowing down" and what that means for the general timeline expectation across the Roundtables?
A: Russ Sands doesn't think it changes the "overall" timeline, but instead shows that some Roundtables dug into their BIP earlier than others.
- Mark Shea mentions the need for the Roundtable to communicate to the Stakeholders on these projects and appropriately managing expectations to how that project information will be managed going forward after the BIP process is "complete". He doesn't think it would be another five (5) years to update the project information. Which this gets into the question; what happens to the project data base, and long term how do folks get their project information updated.
- Mike Fink wanted to remind the Executive Committee that they adopted a resolution that the Roundtable not act on any request for funding that were not the identifying projects on the BIP update, Mike agrees we need to work on a better way to process projects.
- Sam Stein (CWCB) wants the BIP update to be a living document, and that's the biggest push through this BIP update along with water plan effort to get better data surrounding these projects and have the availability to update the BIP.



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- **Other outstanding reports:** Amber Weber stated the funding for PEPO has an open funding of \$6,500.00 that comes directly from the state to help with BIP update on the website.
- The \$55,000 placed in the EIP was used to make our Roundtable meetings available virtual.
- PEPO closed out all the other grants to focus on the BIP and the story map. Amber will provide an update on the story map at the regular roundtable meeting.
- The Open Water Foundation has used already made data to create maps much as the DSS. The open Water Foundation is trying to put together a grant application in hopes to get it state wide and is asking for a letter of support from the Roundtable before they can go through a grant process. Amber will send that to the Executive Committee for review.
- Amber Weber resigned her Chair position at PEPO, but she will continue as a County Representative to the Arkansas Basin Roundtable.

New Business:

- None

Work Session:

- None

Old Business:

- None

Needs Assessment Meeting:

- None

Roundtable Business:

- None

Upcoming Meetings:

- Final report out with Chelsey- August 28, 2020 at 10 AM to 11 AM
- Future structure of ARWC- September 24, 2020 at 8 AM
- Arkansas Basin Roundtable – September 9,2020
- Subcommittees
 - Enviro/Rec Comm.- August 31, 2020
- CWCB Board Meeting – July 15 (Finance Meeting) 16 & 17 Virtual Meeting with information to follow.

Mark Shea adjourned the Executive Committee Meeting at 12:15 PM.

Revisions to Rules Governing Colorado's Instream Flow and Natural Lake Level Program



August 12, 2020

**Arkansas Basin Roundtable
Meeting**



COLORADO

Colorado Water
Conservation Board

Department of Natural Resources



CWCB Instream Flow Program

- Program established in 1973 by legislature.
- CWCB is only entity in state that can hold ISF water rights to preserve or improve the natural environment to a reasonable degree.
- Can appropriate and adjudicate new ISF water rights or acquire water for ISF purposes through purchase, lease or donation.
- HB20-1157 amended statute governing temporary loans of water for instream flow use.
- CWCB will revise the ISF Rules to implement HB 1157 and to make two non-substantive changes.

Temporary loans of water for ISF use (Section 37-83-105, C.R.S.)

- Prior to HB 1157, limited to
 - ISF use for a period of 120 days
 - 3 years of use over a 10 year period
- Can be used on any stream reach where CWCB currently holds an ISF right, up to decreed amount
- No water court change case – State and Division Engineer can approve ISF use if no injury to other water rights
- Expedited approval process



House Bill 20-1157 (Temporary Loan Bill)

- Established two types of temporary loan: expedited and renewable.
- **Expedited** loans may be exercised for up to one year – applicant may not reapply for an additional expedited loan.
- **Renewable** loans may be exercised for 5 years over a 10-year period and for no more than 3 consecutive years.
- Applicant may reapply for a renewable loan for up to two additional 10-year periods.
- The CWCB may use water under a renewable loan to improve the natural environment.
- CWCB required to promulgate rules to implement bill.

ISF Rules Revisions

- CWCB will revise ISF Rules to:
 - Comply with and implement HB 1157, and
 - Update:
 - Reference to CWCB's website
 - References to Colorado Parks & Wildlife – current rules refer to Division of Wildlife.
- ISF Rules last amended in 2009



The Rulemaking Process

- Informal stakeholder meetings and input:
 - August 3 – approx. 60 attendees
 - August 18 from 1:00 – 3:00 in conjunction with CWC summer workshops (no charge to attend)
 - Additional meetings if needed
 - Public invited to submit written comments to staff
- Staff request for Board authorization to proceed to formal rulemaking
- Rulemaking hearing (potentially January 2021)

Proposed Revisions to ISF Rules

Revising ISF Rule 6k. to define temporary expedited and renewable loans:

- Expedited loans may be exercised for up to one year – applicant may not reapply for an additional expedited loan.
- Renewable loans may be exercised for 5 years over a 10-year period and for no more than 3 consecutive years.
- For both types of loans, ISF use may not exceed 120 days in a single calendar year.
- The CWCB may use water under a renewable loan to improve the natural environment.

Proposed Revisions to ISF Rule 6k.

Expedited loans:

- Use same process and requirements as under existing law for 3 in 10 year loans, including notice to all parties on the substitute water supply plan notification list for the relevant water division, plus:
 - Notice also provided to registered agent of ditch company, irrigation district, water users' ass'n, or other water supply or delivery entity within whose system loan water rights fall; and
 - Requirement of proof that loan will not injure undecreed existing exchanges of water to extent that such exchanges were administratively approved before loan approval request filed with State Engineer.

Proposed Revisions to ISF Rule 6k.

- Revising existing procedures to reflect HB 1157 – still using expedited procedures for:
 - evaluating and requesting approval of expedited loans, and
 - Board review and potential ratification of Director’s decision on such loans.
- CWCB Director may accept and enter into an agreement for a temporary expedited loan if the State Engineer determines that no injury will result from the loan.



Proposed Revisions to ISF Rule 6k.

Temporary renewable loans:

- May be used to preserve or improve the natural environment
- Must not be exercised for more than 5 years in a 10-year period and for no more than 3 consecutive years, for which only a single approval by the State Engineer is required.

Rule revisions:

- Describe notice requirements – same as for expedited loans but with 60-day period for submitting comments to State Engineer.
- Establish Board process for reviewing, receiving public input on, and directing staff on whether to move forward with a proposed renewable loan.
- Two-Board meeting process that includes a hearing, if requested.

Proposed Revisions to ISF Rule 6k.

Revising ISF Rule 6k. to:

- Describe steps the Board must take for proposed renewable loans that would improve the natural environment to a reasonable degree, including:
 - requesting and reviewing a biological analysis from CPW on the extent to which the proposed loan will improve the natural environment to a reasonable degree; and
 - giving preference for loans of stored water, when available, over loans of direct flow water.

Proposed Revisions to ISF Rule 6k.

- When evaluating a proposed renewable loan, Board shall consider any potential injury to:
 - decreed water rights,
 - decreed exchanges of water, or
 - other water users' undecreed existing exchanges of water to the extent that the undecreed existing exchanges have been administratively approved before the date of the Board's consideration.



Proposed Revisions to ISF Rule 6k.

- If Board directs Staff to move forward with a proposed renewable loan, staff will coordinate with the applicant to:
 - prepare and submit the necessary documentation to the State Engineer; and
 - provide the written notice required by section 37-83-105(2)(b)(II), and access to all documentation provided to the State Engineer.
- Board also would authorize Staff to execute a renewable loan agreement and to take any administrative action necessary to put the loaned water to ISF use, provided that the State Engineer determines that no injury will result from the proposed loan.

Proposed Revisions to ISF Rule 6k.

- Each year that a renewable loan is exercised, applicant, coordinating with CWCB Staff if necessary, shall provide the written notice required by statute.
- Applicant may reapply for two additional ten-year periods for the renewable loan.
- Prior to reapplying, at a properly noticed public meeting, Staff will inform the Board about the exercise of the loan during the previous ten-year period and request approval for the loan to continue for the additional ten-year period.
- Board shall hear any public comment and objections to the renewal presented at the public meeting.

Proposed Revisions to ISF Rule 6k.

- If the Board authorizes renewing loan, staff will coordinate with applicant to:
 - prepare and submit the necessary documentation to the State Engineer, and
 - provide the written notice required by statute.
- Water rights loaned to the Board pursuant to expedited or renewable loans are not precluded from concurrent or subsequent inclusion in a water conservation, demand management, compact compliance, or water banking program or plan, as is or may be subsequently defined or described in statute.

Proposed Revisions to ISF Rule 6m.(5)

- Rule 6m.(5) applies to CWCB hearings on water acquisitions for ISF use – have added language to address specific notice requirements for hearings on renewable loans.
- Board will use its standard hearing process for renewable loans.
- Any person may request the Board to hold a hearing on a proposed renewable loan - request must be submitted to Board in writing within 20 days after first Board meeting at which Board considers proposed loan.
- Request must include a brief statement, with as much specificity as possible, of why a hearing is being requested.

Questions?



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Colorado Water
Conservation Board

Department of Natural Resources

Thank you!

Ark Basin Roundtable - Environmental & Recreation Committee

MEETING SUMMARY

Monday, Aug 31, 2020

10:00am – Noon

via Zoom

Attendees: Bob Hamel, (Ark Basin RT Recreation Rep, AROA), Rena Griggs (CPW – Water Specialist – SE Region), Mark Shea (ARWC / Roundtable), Amber Shanklin (Ark Basin RT Envi At-Large Rep, Palmer Land Trust), Carol Ekarius (ARWC), Tyler Benton (CoSpgsUtil), Misty DeSalvo (USFS), John Smeins (BLM), Ryan Bouton (PhD Student), Dan Omasta (TU), Buffy Lenth (Central CO Conservancy), Wil Koger (Forsgren Engineering), Jackie Brown (Tri-State), Kyle Horne (Canon City Recreation), Bob Hartzman (Canon City).

Environmental & Recreation Committee Purpose and Goals: (see end of document).

August Meeting Summary:

1. ARWC – Update from Carol Ekarius
 - a. Chelsea Nutter will be leaving ARWC on Sep 30. Carol will take over for the next several months as ARWC decides its direction. Other ARWC staff: Carrie Adair does GIS & outreach; Andy Lerch, Forester, is still working the Monarch Pass tree removal project; Kate Spinneli is working Hayden Fire and outreach; Theresa Springer is doing fire recovery coordination. See arkcollaborative.org for basic info.
 - b. Spring Creek Fire area (Huerfano County) is having flash flooding recently.
2. E-R's recap of small group in-person meeting with Abby Burk (Audubon) in Co Springs on Aug 26.
 - a. A small group of us (Bob, Mark, Buffy, Dan, Amber S., Rena, Will K., and Brett G.) met with Abby Burk, and representative of west slope environmental interests. We spent time telling Abby about the Ark Basin RT, our E-R group, and recent BIP update efforts.
 - b. Abby informed us of an existing river metric tool in Colorado known as “**River Health Assessment Framework**”. This tool measures the health of the environment (abiotic & biotic factors) and is scalable. This tool was used to grade the Cache La Poudre River in Larimer County as seen at this site <https://www.fcgov.com/poudrereportcard/pdf/reportcard.pdf?1497030786>
 - c. This tool could be used for the mainstem Ark, sections, or tributaries – it is scalable. It measures functional health in terms of geomorphology, water quality, aquatic life, and wetland health. It can provide a baseline health assessment to better inform planners on needs and priorities.

- d. We discussed how the tool might benefit the South Ark SMP effort. The tool would need a champion (possible CCC – Buffy?) and would possibly need funding support from CWCB grants.
- e. We also discussed the [Business for Watershed Stewardship studies on recreation and the economy](#), and the [Governor’s Water Wildly Important Goal \(WIG\)](#).
- f. Regarding the Colorado Water “WIG”, Mark clarified that CWCB is pushing each basin to find 20 IPPs (Identified Projects and Processes) to put forth for the WIG. Ark Basin would like to have a diverse mix of IPPs from Ag, Muni, and Envi-Rec. Note that projects don’t have to be physical “shovel ready” per say, it can be an opportunity to push a project forward, such as starting phase one of a multi phase project, or starting an element of a programmatic project. See the [Colorado Water WIG one-pager](#) to learn more.

3. South Arkansas Stream Mgmt Plan (SMP) update

- a. Dan updated that the South Ark SMP is in a phase of stakeholder list development with the help of a consultant, reaching out to agencies, landowners, etc. A survey will go out soon to ask about priorities and available resources & data. In October, next steps involve seeking grant opportunities and deciding what to prioritize. Buffy added that Natalie Alio with the Soil Conservation District at Phil Brink with Colorado Ag Water Alliance will be talking with their contacts on reasons to get involved in this SMP.
- b. If you’re interested in receiving this South Ark SMP survey, contact Buffy.

4. Further discussion on BIP and IPP project list update info. (Basin Implementation Plan and Identified Projects and Processes).

- a. **Recall there’s a Google form on the Ark Basin Website** in which you can fill in information on a project for it to be added to the list. <https://www.arkansasbasin.com/basin-implementation-plan.html>. If you have many projects, contact Will Koger or Brett Gracely about getting a spreadsheet to more easily enter them.
- b. **BIP meetings and workshops are set for Sep 23 (lower Ark focus) 10am-Noon, and Sep 29 (upper Ark focus) Noon-2pm. An invite email will go out soon.**

5. Water Quality sampling efforts

- a. Luke Javernick’s project to collect water quality samples in key areas (related to Decker Fire and others) is ongoing. Buffy mentioned that CCC also collects grab samples at 5 sites along the South Ark, and this data should be shared/coordinated. Co Springs Utilities’ Lisa Walters may be interested to coordinate as well.

6. VFMP 2020 Update: VFMP went very well this summer – July 1- Aug 15. The 700 cfs target at Wellsville was met the entire time. Rafting was a success this year, given covid-19. The BOR and PBWW managed releases very well. Coordination among partners was excellent.

7. Other points discussed...
 - a. John (BLM) had nothing new this time.
 - b. Misty (USFS) shared that it's been a record year for visitation.
 - c. Rena (CPW) shared that Two Buttes reservoir headgate replacement (Baca County) should start this October. Also, Rena is about 90% done with updating CPW's items in the new smartsheet related to the BIP/IPP update. Ask Brett Gracely for access to this online smartsheet if you'd like to do updates.

Mark your Calendar:

Next Ark Basin Roundtable – Sep 9, 12:30-noon, GoTo meeting.

Next Envi-Rec Committee Meeting, Sep 28, 2020, 10am, virtual or TBD.

About us:

Arkansas Basin Roundtable – Environmental & Recreation Committee Purpose and Goals

The Environmental - Recreation Committee's purpose

- Ark Basin RT legislative directive...to propose projects or methods, structural and non-structural, to meet environmental and recreational needs.
- Constantly review Basin Implementation Plan, evaluate goals and priorities.
- Consider sustainability values (economic, social, environmental) as we evaluate environmental & recreation issues, projects, and priorities.
- Work with Needs Assessment Committee to advise on environmental and recreation priorities (but do not infringe on Needs Assessment Committee).
- Encourage environmental & recreation groups to come to this committee before approaching Needs Assessment Committee or Roundtable. This committee can aid by providing letters of support of certain projects.
- Outreach and education. Continually strive to bring awareness of past, present, and future envi & rec projects.

Environmental - Recreation Committee structure

- Bob Hamel (AROA), Ark Basin Roundtable At Large Recreation Rep, Chair
- Rena Griggs (CPW) Vice-chair
- Amber Shanklin (Palmer Land Trust) Ark Basin Roundtable At Large Environmental Rep
- Mark Shea (CSU)(ARWC) Ark Basin Roundtable Chair
- Mike Weber (LAVWCD) Needs Committee Rep and Ark Basin Roundtable Vice Chair

Difference between Non-Consumptive Committee and the Ark River Watershed Collaborative (ARWC)?

- Discussion: ARWC is like the "operating body" or "fiscal agent" of the NC committee...
...whereas the NC committee itself is the group of experts offering advisement on projects and priorities.

Meeting Goals

- strive for a purpose for every meeting; provide an agenda prior to each meeting.
- set a regular schedule - last Monday of every month in Canon City (and occasional other locations).
- send out a meaningful agenda, ahead of meeting.
- emphasize all folks are welcome; grow the invite list; invite special guests for specific planned topics.
- for each month's agenda, expect agency updates from USFS, BLM, CPW, and ARWC.
- offer folks to join the meeting by telephone or web-meeting options, if needed.