

Spring QQ Meeting



Thursday, March 21, 2024
10 AM – 3 PM
Hybrid Meeting

P.O. Box 2308 970-468-0295
Silverthorne, CO 80498 970-468-1208 Fax
qqwater@nwccog.org

Location: Summit County Community & Senior Center, 83 Nancy's Place, Frisco CO

Zoom: <https://zoom.us/j/91250384941?pwd=ZmF2QzU2NFM1MEs3TVJpRmZiUVUJdzog>

Call in: (719) 359-4580; Meeting ID: 912 5038 494; Passcode: 706174

AGENDA

- 10:00 AM Welcome
Kathy Chandler-Henry, QQ Chair
- 10:15 AM Shoshone Water Rights Acquisition – Legal Significance
Presentation slides on following pages
Peter Fleming, Colorado River District General Counsel
- 11:15 AM Discussion of legislation and consideration of positions
QQ Legislative update on following pages
Jared Petsche, Legislative Outreach & Torie Jarvis, QQ Attorney
- 12:15 PM Lunch
- 1:00 PM Gross Reservoir Expansion Litigation
Jessica Brody, Denver Water General Counsel
- 1:45 PM Continuation of discussion of legislation and other matters
- 2:30PM Member Updates
- 3:00 PM Adjourn

Items of Interest

Colorado River Negotiations

- Landmark deal offers Upper Basin tribes a long-awaited foothold in Colorado River discussions, The Colorado Sun:
<https://coloradosun.com/2024/03/05/historic-deal-upper-basin-tribes-foothold-colorado-river-discussions/>
 - Subscribe to newsletters from The Colorado Sun here:
<https://coloradosun.com/newsletters/>

Uinta Railroad Proposal

- Utah oil-train backers petition U.S. Supreme Court to restore railway's approval, Colorado Newsline:
<https://coloradonewsline.com/2024/03/13/utah-oil-train-backers-petition-u-s-supreme-court-to-restore-railways-approval/>
- Letter to Surface Transportation Board (STB) requesting notice if the Seven County Infrastructure Coalition makes any future submissions with the STB for the Uinta Basin Railway project (see next page).

March 11, 2024

Office of Public Assistance,
Governmental Affairs, and Compliance
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
rcpa@stb.gov



P.O. Box 2308 970-468-0295
Silverthorne, CO 80498 970-468-1208 Fax
qqwater@nwccog.org

Re: *Seven County Infrastructure Coalition – Rail Construction & Operation Exemption – In Utah, Cabon, Duchesne, and Uintah Counties, Utah, FD 36284*


I am writing to request that the Surface Transportation Board (STB) provide notice to the Northwest Colorado Council of Governments Water Quality/Quantity Committee (QQ) if the Seven County Infrastructure Coalition (Coalition) makes any future submissions with the STB, including any application, exemption request, or related filing, for the Uinta Basin Railway project, whether in Docket FD 36284 or otherwise.

QQ comprises municipalities, counties, water and sanitation districts, and conservancy districts in the headwaters of the Colorado River, which would face significant increased rail traffic as part of the Uinta Basin Railway project. Because of the economic and environmental impacts to the region, discussed in more detail below, local elected officials desire to be timely notified and provided an opportunity to provide input on future Uinta Basin Railway proposals.

As you know, the STB's December 15, 2021 decision approving the Coalition's exemption application to build an 88-mile rail line was vacated by the United States Circuit Court of Appeals for the District of Columbia Circuit on August 18, 2023, and the Coalition's petition for en banc review was denied on December 4, 2023. *Eagle County v. Surface Transp. Bd.*, 82 F.4th 1152 (D.C. Cir. 2023).

While the D.C. Circuit's decision stopped the Coalition's proposal, which would have resulted in millions of barrels of newly extracted crude oil being transported by rail up the Colorado River to its iconic headwaters, sensitive ecosystems, and fire-prone landscapes, QQ members remain deeply concerned about the possibility of a renewed proposal. As acknowledged by the D.C. Circuit's decision, such a proposal would have significant economic and environmental impacts on Colorado communities, which include the [40 local governments](#) that comprise QQ.

Heavy crude oils are highly toxic and very difficult to remove from a water source; contamination is severe and long-term. In addition, oil trail derailments could cause devastating forest fires in Colorado's mountains. A federal agency review concluded the proposed new Railway would add up to 87 million gallons of waxy crude per week to the interstate rail system. Oil would be transported via as many as 180,000 loaded rail cars per year from the Uinta Basin to the mainline of the Union Pacific where it would travel east



adjacent to the Colorado and Fraser Rivers. The Colorado River is the source of water for 40 million people and a river you're aware is in crisis. The Fraser River is an important and threatened tributary to the Colorado River which has already experienced degradation from decades of low flows due to diversions to cities on the other side of the Continental Divide. The significant increase in railroad traffic raises concerns about both long-term and catastrophic water quality degradation in the Headwaters Region.

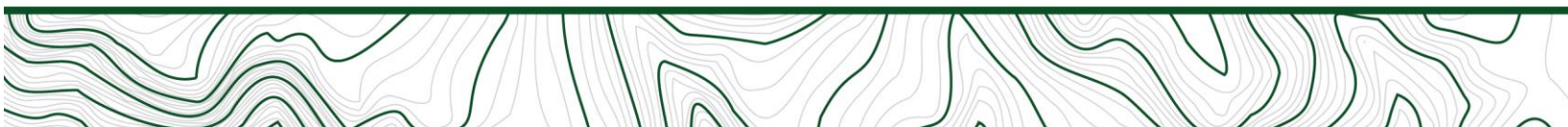
Accordingly, I would appreciate being notified electronically of any future submission by the Coalition at qqwater@nwccog.org or by contacting Anna Drexler-Dreis at (970) 531-1171.

Please let me know if you will provide such notice.

Kind Regards,



Kathy Chandler-Henry
QQ Chair and Eagle County Commissioner
Kathy.chandlerhenry@eaglecounty.us



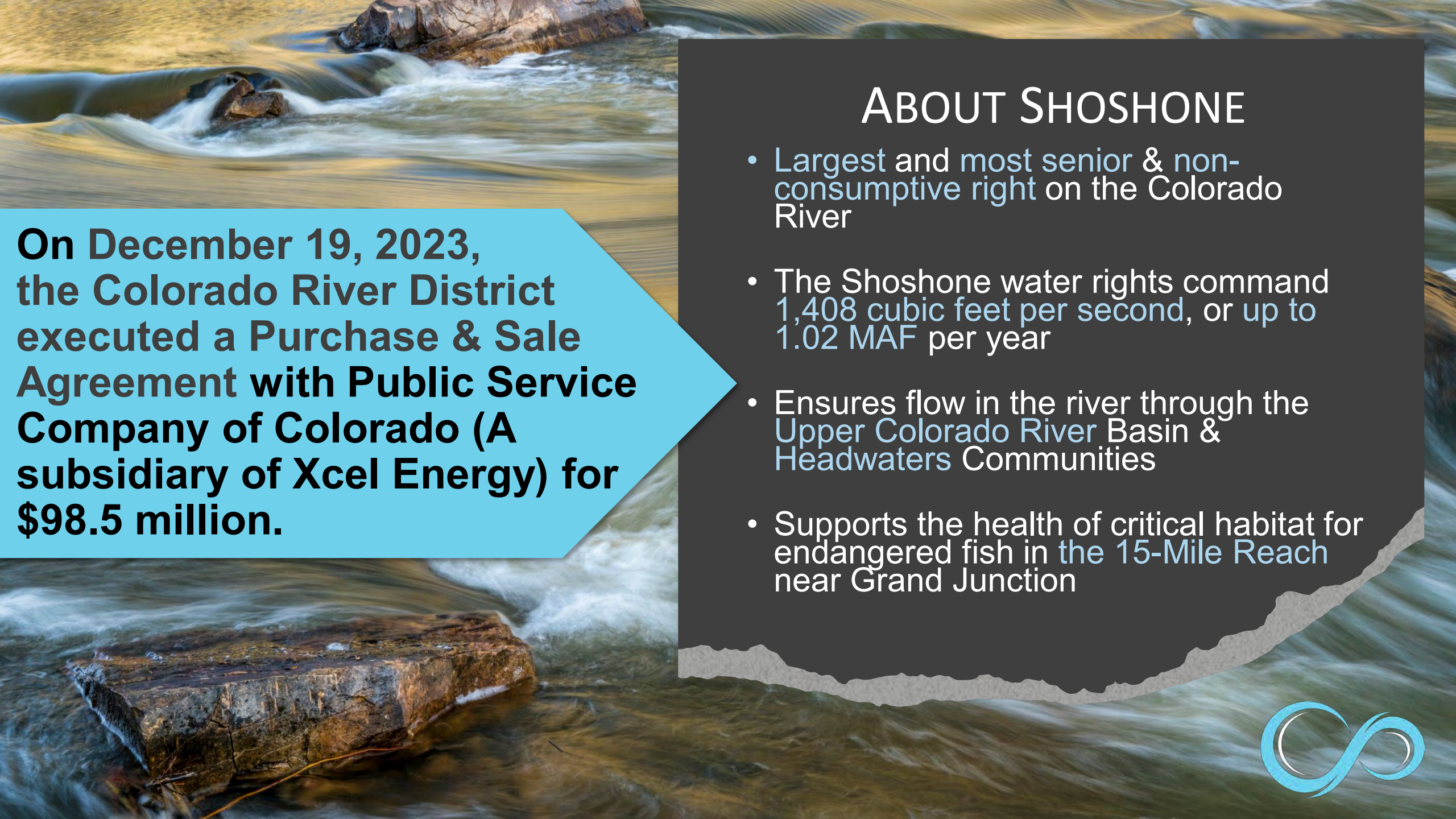
Keep Shoshone Flowing

*Peter Fleming
General Counsel, Colorado River
District*



SHOSHONE
WATER RIGHT PRESERVATION





**On December 19, 2023,
the Colorado River District
executed a Purchase & Sale
Agreement with Public Service
Company of Colorado (A
subsidiary of Xcel Energy) for
\$98.5 million.**

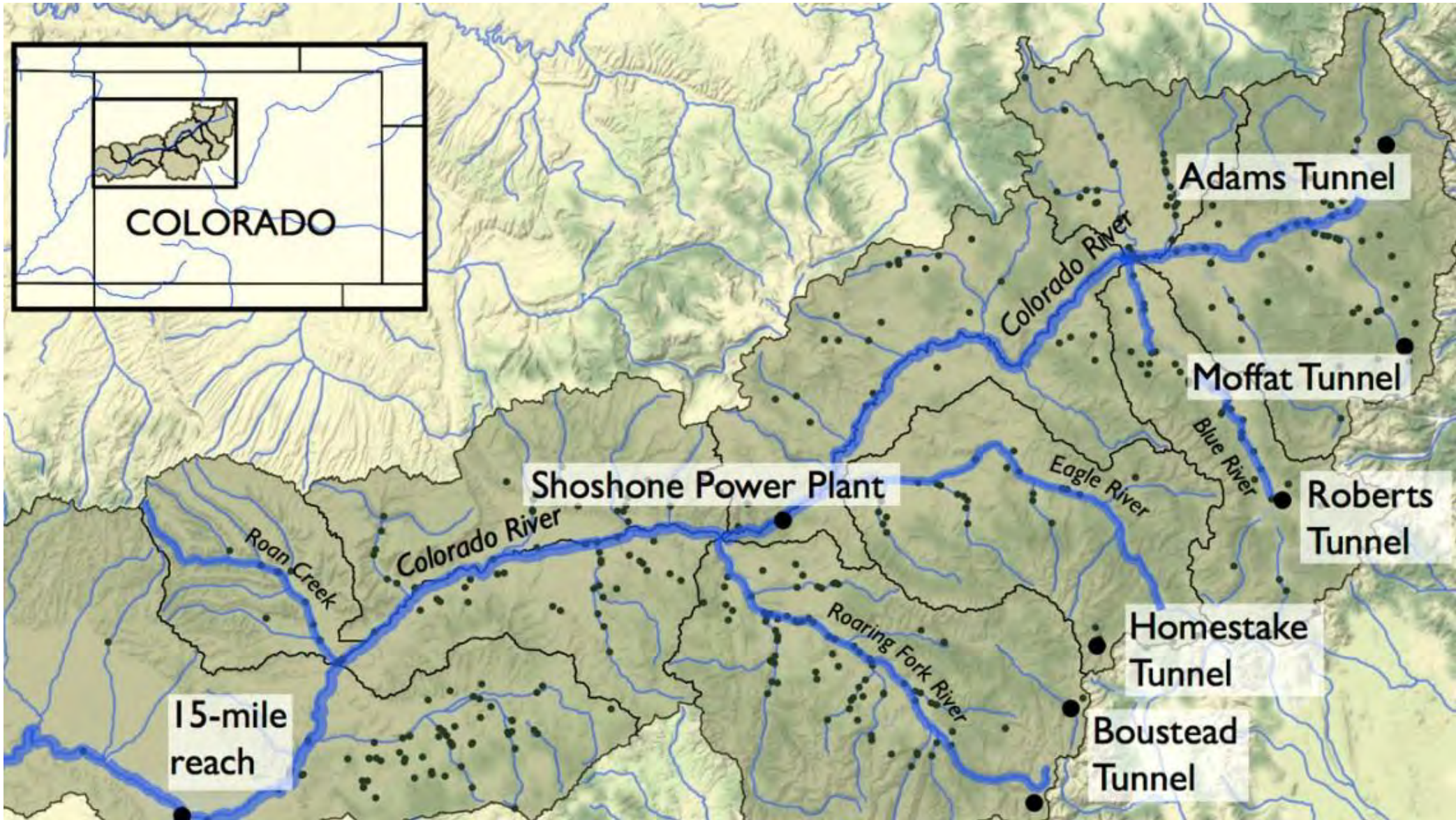
ABOUT SHOSHONE

- Largest and most senior & non-consumptive right on the Colorado River
- The Shoshone water rights command 1,408 cubic feet per second, or up to 1.02 MAF per year
- Ensures flow in the river through the Upper Colorado River Basin & Headwaters Communities
- Supports the health of critical habitat for endangered fish in the 15-Mile Reach near Grand Junction



Shoshone Location





Multiple Benefits for Colorado and the West Slope

Water Quality



Agriculture



Environment

Recreation Economy



15-Mile Reach

Over 1,250 water projects in Colorado depend on a successful-15-Mile Reach for continued ESA compliance

In dry years, the Shoshone call can deliver up to 41,000 acre-feet under current demand conditions and up to 86,000 AF under future demands

Upper Colorado River Endangered Fish Recovery Program supports four endangered and threatened fishes

Shoshone flows are critical for sustaining temperature and water level targets



WHY NOW?

- 20 years, 20 western Colorado governments and water entities.
- A willing partner in Xcel Energy.
- Historic amounts of funding at the state and federal level.
- Increased impacts from climate change.



Shoshone Water Right Preservation Coalition

Summit County – Grand County – Eagle County
Garfield County – Mesa County

- Clifton Water District
- Clinton Ditch and Reservoir Company
- Colorado River District
- Eagle Park Reservoir Company
- Eagle River Water and Sanitation District
- City of Glenwood Springs
- Grand Valley Irrigation Company
- Grand Valley Water Users Association
- Mesa County Irrigation District
- Middle Park Water Conservancy District
- Orchard Mesa Irrigation District
- Palisade Irrigation District
- City of Rifle
- Upper Eagle Regional Water Authority
- Ute Water Conservancy District



WWW.KEEPSHOSHONEFLOWING.ORG

TIMELINE



Negotiating an Instream Flow Agreement between seller, CRD, and CWCB



Successful completion of a change case



Approval from Colorado's Public Utility Commission



Ongoing fundraising with support from local, state and federal partners



Anticipated Closing in 2027





SHOSHONE
WATER RIGHT PRESERVATION



www.KeepShoshoneFlowing.org

Get Involved



@KeepShoshoneFlowing



@KeepShoshoneFlowing



@ShoshoneFlows

Sign up for the
newsletter



QQ Legislative Update

March 13, 2024



P.O. Box 2308
Silverthorne, CO 80498

970-596-5039
qqwater@nwccog.org

QQ provides summaries of introduced legislation in this detailed narrative form and in a table for ease of tracking through the legislature. Positions are “recommended” until QQ meets on March 21st to take formal positions. Recommendations are based on consistency with QQ policies, [available here](#).

All positions are by consensus, so if a QQ member raises a concern with any recommended position, we will adjust our position as needed. Please reach out to Jared Petsche at jjpetsche@nwccog.org with any questions or concerns.

The end of this memo describes two future bill concepts that may be introduced in this session. These do not include recommended positions, as QQ generally does not take positions until a bill is introduced.

Senate Bills

[SB24-026](#). Agriculture & Natural Resources Public Engagement Requirement. *Sen. Roberts & Will; Reps McLachlan & Catlin. From the Water/Ag Review Committee*

- Requires parks and wildlife commission, state agricultural commission, and the Colorado water conservation board to hold at least 2 in-person each year public meetings to engage with the public. The bill also includes provisions for tracking and reporting the status of these meetings and provides reimbursement for the costs incurred.
- **QQ Position: Monitor.**

[SB24-037](#). Study Green Infrastructure for Water Quality Management. *Sen. Simpson & Bridges; Reps Lynch & McCormick. From the Water/Ag Committee*

- Establish a feasibility study and pilot projects to explore the use of green infrastructure instead of traditional gray infrastructure (centralized water quality treatment facilities) for water quality management and the potential to integrate these techniques into water quality permits. Studies would explore new sources of funding, such as green bonds and carbon credits.
- **Rationale for QQ Position:** This bill concept is consistent with QQ policies to support efforts to address activities that have an adverse effect on water quality and ensure local wastewater facilities are protected from increased operational costs by hydrologic modifications and transmountain diversions.
- **QQ Position: Support**

[SB24-038](#). Authorize Conservancy District Water Management. *Sen. Bridges & Simpson; Reps Martinez & McCormick. From the Water/Ag Committee*

- Adds general powers to conservancy districts in C.R.S. § 37-3-103, including to:
 - participate in a plan for augmentation,
 - contract with water users outside the district,

- exercise certain powers regarding the control, delivery, use, and distribution of water, establish a water activity enterprise, and
- sell, lease, or dispose of the use of water or capacity in works by contract.
- It also allows conservancy districts to enter long-term contracts with public and private entities and avail themselves of aid, assistance, and cooperation from the federal government, state government, and local governments.
- We understand the bill's intent is to address specific issues with the Conejos Water Conservancy District. However, we understand there may be significant bill amendments to address unintended consequences.
- **QQ Position: Monitor.**

SB24-081. Perfluoroalkyl & Polyfluoroalkyl Chemicals. *Sen. Cutter; Reps. Kipp & Rutinel*

- This bill strengthens many existing restrictions on the sale and distribution of products containing perfluoroalkyl and polyfluoroalkyl chemicals (PFAS).
- **Rationale for QQ Position:** PFAS are a significant concern to QQ members. Regulating the sale and distribution of materials containing PFAS addresses water quality concerns and does not unduly burden QQ members who are also permitted dischargers.

QQ Position: Support

SB 24-127. Dredge and Fill Permit Program “Competing Bill.” *Sen Kirkmeyer, Rep Bird*

- This bill is “competing” with the concept from the Governor, Speaker McCluskie, and the Water Quality Control Division (WQCD), referred to herein as the “State concept,” which has not been introduced.
 - The “state concept” came out in draft form February 14th and is [available via this link](#).
 - QQ is currently analyzing key differences between the State concept and “competing bill.”
- Both bill concepts would instate a permitting program for discharges of dredged and fill material into a specific subset of state waters.
 - The proposals are in response to the 2023 Supreme Court decision Sackett v. EPA, which narrowed the type of waterbodies where dredge and fill activities require a federal permit under the Clean Water Act. The QQ consultant team wrote a memo summarizing this court case and its implications [available here](#).
- “Competing bill” requires a person to get a permit to discharge dredged and fill material into “state waters that exhibit a bed, bank, and ordinary high-water mark; fens; or wetlands within the 100-year floodplain or that are within 1,500 feet of the ordinary high-water mark of a stream, reservoir, or lake.” (p. 19, lines 4-10)
- “Competing bill” would establish a new state agency, the Stream and Wetlands Protection Commission, within the Department of Natural Resources to adopt regulations for the Dredge-and-Fill permit program and the Stream and Wetlands Protection Division to administer and enforce the program.
 - In contrast to the “State concept,” which would place such authority in the Water Quality Control Commission and Division—which houses all other implementation of the Clean Water Act.

- **Rationale for QQ Position:** QQ is supportive of the concept of addressing dredge and fill of state waters that were previously protected under the Clean Water Act before Sackett. However, since there are two competing bills and outstanding issues to be resolved, we recommend tracking the progress until the bills can be reconciled.
- **QQ Recommended Position: Monitor**

SB24-148. Precipitation Harvesting Storm Water Detention *Sen Van Winkle*

- Builds of the 2016 bill that allowed rainwater harvesting. This bill would allow stormwater facilities to utilize water detained in stormwater detention and infiltration facilities for precipitation harvesting.
- This bill is coming from Dominion Water and Sanitation District and Sterling Ranch, the largest [precipitation harvesting pilot program](#) in the state.
- **Rationale for QQ Position:** Bill would provide an educational opportunity to headwaters water users and metropolitan water users on their outdoor water usage as compared to their outdoor watering needs, in line with QQ education policies both about water quality in the headwaters and reducing consumption of TMD water.
- **QQ Position: Support**

SB 24-159. Phasing Out Oil and Gas Leasing. Sens Jaquez-Lewis and Priola; Reps Boesnecker and Martin.

- Requires the energy and carbon management commission (commission) to adopt rules (permitting rules) to cease issuing new oil and gas permits (permits) before January 1, 2030.
- **Rationale for QQ Position:** This bill reflects a significant change to existing law, so it's difficult to imagine it going far, but QQ should monitor to ensure there is no preemption of local government authority, consistent with QQ policies.
- **QQ Position: Monitor**

House Bills:

HB24-1030. Railroad Safety Requirements. *Rep. Mabrey & Cutter; Sen. Exum*

- This bill sets safety requirements for railroads in Colorado. It includes limits on train length, requires the use of wayside detector systems, and limits the time a train can block a crossing. Crew members can report safety issues, fines can be imposed for violations, and there is a fund for passenger rail safety. Railroads transporting hazardous materials must have insurance coverage. The bill aims to ensure transparency, accountability, and safety in railroad operations.
- **Rationale for QQ Position:** Bill proposed to limit train length which would reduce the potential for catastrophic spills, as observed in recent incidents, which could result in the loss of safe drinking water, environmental impacts, and negative effects on the state's recreation and tourism economy.
- **QQ Position: Support**

HB24-1062. Warrants for Metro Sewage Disposal Districts. *Reps. Evans & Titone; Sen. Priola*

- Allows metro sewage disposal district inspectors to enter and inspect properties to investigate any violations of the industrial pretreatment program. If entry is denied, the district can obtain a warrant from the court to conduct the inspection. The bill also includes provisions about warrant issuance and the effective date of the act.
- We understand there are only two metro sewage disposal districts in the state, both on the Front Range.
- **QQ Position: Monitor**

HB24-1178. Concerning local government authority to regulate pesticides. *Reps. Kipp & Froelich, Sens. Cutter & Lewis*

- Clarifies that local governments have the authority to regulate the sale or use of pesticides to protect the health and safety of the community, with specific exceptions for agricultural activities and certain water-related purposes. It emphasizes the importance of regulations being guided by peer-reviewed science and consistent with federal law.
- **Rationale for QQ Position:** While the concept of this bill is in line with QQ policies regarding protection of water quality through local regulation, the bill's structure and language raise questions we are still trying to understand.
- **QQ Position: Monitor**

HB24-1346. Carbon capture & storage at the Energy & Carbon Management Commission. *Reps. Titone, McCormick; Sens Hansen & Priola*

- The bill expands the Energy and Carbon Management Commission (ECMC) authority to regulate carbon capture and storage operations, emphasizing water-related concerns by:
 - Granting oversight over direct air capture facilities and geologic storage operations, potentially impacting water resources.
 - Imposing financial obligations on operators to ensure accountability for environmental impacts, including those on water.
 - Extending enforcement and mitigation measures to cover these operations, addressing potential water quality concerns.
 - Establishing rules for ownership of pore space and allowing the formation of geologic storage units, impacting water rights and resource management.
 - Providing technical assistance to local governments for addressing water-related aspects of regulations.
 - Mandating carbon accounting procedures, emphasizing water-related factors in assessing environmental impacts.

Rationale for QQ Position: QQ generally monitors legislation addressing ECMC authority to ensure the legislation does not preempt local authority to regulate. This bill does not impact local land use authority to regulate energy and carbon management operations.

QQ Position: Monitor

HB24-1362. Concerning Measures to Promote the Use of Graywater. *Reps Lukens & Catlin; Sens Roberts & Simpson*

- In current law, buildings may utilize graywater, consistent with Water Quality Control Commission Regulations (Reg. 86), only if a local government has first adopted regulations governing greywater. This bill would allow buildings to utilize greywater anywhere in the State EXCEPT where a local government opts out of allowing greywater.
 - Graywater is a part of the water used in a residential, commercial, or industrial building that may be collected after the first use and put to a second beneficial use.
 - Local governments must notify the state health department of any ordinances or resolutions regarding graywater use.
- Provides a state income tax credit of up to 50% of the installation cost or \$5,000, whichever is less to encourage water conservation and reduce reliance on potable water sources.
- **Rationale for QQ Position:** This bill is in line with QQ policies regarding water conservation measures statewide through local regulation.
- **QQ Position: Support**

Potential Bill Concepts (Not Introduced)

Dredge and Fill “State Concept.” We still expect a Dredge and Fill program bill to come from Speaker McCluskie in upcoming weeks (perhaps before the QQ Meeting).

Implementation of Colorado River Drought Taskforce Recommendations: We expect a bill from Senator Roberts that would implement a host of recommendations from the [Colorado River Drought Taskforce Final Report](#), including:

- **(most relevant to QQ policies) Expansion of instream flow loan program to include storage rights:** expand the ISF temporary loan program to “allow the owner of a decreed storage water right to loan water to the CWCB to preserve or improve the natural environment to a reasonable degree on stream reaches where there is no decreed instream flow water right.” Concept attached requires a calculation of necessary flow before allowing releases
- **Increased Funding for Aging Water Infrastructure**
- **Expansion of Agricultural Water Protection Water Rights**
- **Strengthening Criteria for Community Wildfire Protection Plans to include Watershed Protections**
- **Continued Funding of Measurement Tools (snowpack and stream flow)**
- **Species and Phreatophyte Removal Funding**
- **Waiver of Tribal Cost-Share for CWCB Grant**


SUMMARY OF BILLS OF INTEREST FOR 2024

March 13, 2024

Legend: Green cells indicate a QQ position of support. Red cells indicate a QQ position of oppose.

Bill No.	Bill Description	Sponsors	Status	Notes	Recommended Position
Senate Bills					
SB24-005	Prohibit Landscaping Practices for Water Conservation	Sens Roberts, Simpson, Bridges, Hinrichsen & Reps. McCormick and McLachlan	Passed House & Senate; Sent to Governor		Support
SB24-009	Local Government Disaster-Related Programs	Sens. Cutter & Lewis; Rep. Snyder	Passed Senate Ag, to Appropriations ("Approps")		Monitor
SB24-026	Agriculture & Natural Resources Public Engagement Requirement	Sen. Roberts & Will; Reps McLachlan & Catlin.	Passed Senate	<i>Water/Ag Review Committee</i>	Monitor
SB24-037	Study Green Infrastructure for Water Quality Management	Reps. Boesenecker & Joseph; Sen. Cutter	Passed Senate Ag Amended to Approps	<i>Water/Ag Review Committee</i>	Support
SB24-038	Authorize Conservancy District Water Management	Sen. Bridges & Simpson; Reps Martinez & McCormick	Senate Ag	<i>Water/Ag Review Committee</i>	Monitor
SB24-058	Landowner Liability Recreational Use Warning Signs	Sens. Baisley & Roberts; Reps. Titone & Bird	Passed House & Senate; Sent to Governor		Monitor

SB24-081	Perfluoroalkyl & Polyfluoroalkyl Chemicals	Sen. Cutter; Reps. Kipp & Rutinel	Passed Senate Business, to Senate 2nd Reading	Support
SB24-127	Dredge & Fill Permit Program	Sen Kirkmeyer, Rep Bird	Senate Ag	Monitor
SB24-148	Precipitation Harvesting Storm Water Detention	Sen Van Winkle	Passed Senate, House 2 nd Reading	Support
SB24-159	Phasing Out Oil and Gas Leasing	Sens Jaquez-Lewis and Priola; Reps Boesnecker and Martin	Senate Ag 3/14/24 at 1:30pm	Monitor
SJR-004	Water Projects Eligibility Lists	Sens Roberts and Simpson; Reps McCormick and Catlin	Passed House & Senate; Sent to Governor	Support
House Bills				
HB24-1029	<i>Prohibit Foreign Ownership of Agricultural and Natural Resources</i>	<i>Rep Bradley</i>	<i>Postposed indefinitely</i> <i>In House State Affairs</i>	<i>Monitor</i>
HB24-1030	Railroad Safety Requirements	Rep. Mabrey & Cutter; Sen. Exum	House Local Gov. to Appropriations 3/15/24 at 8:30am	Support
HB24-1062	Warrants for Metro Sewage Disposal Districts	Reps. Evans & Titone; Sen. Priola	Passed House, Assigned to Senate Local Government	Monitor
HB24-1178	Concerning local government authority to regulate pesticides	Sens. Roberts & Simpson	Passed House Energy to Approps	Monitor
HB24-1346	Carbon Capture & Storage at the Energy & Carbon Management Commission .	Reps Titone, McCormick; Sens Hansen & Priola	House Energy 3/21/24 at 1:30pm	Monitor
HB24-1362	Concerning Measures to Promote the Use of Graywater	Reps Lukens & Catlin; Sens Roberts & Simpson	House Ag.	Support



[HJR24-1018](#)

Grand Lake Water Clarity

Rep McCluskie and Sen
Roberts

Passed House & Senate

Support



HOUSE JOINT RESOLUTION 24-1018

BY REPRESENTATIVE(S) McCluskie, Amabile, Bacon, Bird, Boesenecker, Brown, Catlin, Clifford, Daugherty, deGruy Kennedy, Duran, English, Frizell, Froelich, Garcia, Hamrick, Hartsook, Herod, Jodeh, Joseph, Kipp, Lieder, Lindstedt, Lukens, Lynch, Mabrey, Marshall, Martinez, Marvin, McCormick, McLachlan, Pugliese, Ricks, Rutinel, Sirota, Snyder, Soper, Story, Taggart, Titone, Velasco, Vigil, Weinberg, Weissman, Young;
also SENATOR(S) Roberts, Baisley, Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Fields, Gardner, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Michaelson Jenet, Mullica, Pelton B., Pelton R., Priola, Rich, Rodriguez, Simpson, Smallwood, Sullivan, Van Winkle, Will, Winter F., Zenzinger, Fenberg.

CONCERNING THE WATER CLARITY OF GRAND LAKE,
COLORADO'S LARGEST AND DEEPEST NATURAL LAKE.

WHEREAS, Grand Lake is Colorado's largest and deepest natural lake and part of the headwaters to the Colorado River; and

WHEREAS, Located near the Continental Divide in the Headwaters of the Colorado River, Grand Lake receives direct, natural inflow of pristine, high-quality waters, which make it an important asset and a natural wonder of the state and nation; and

WHEREAS, Grand Lake is used as a component of the Colorado-Big Thompson (C-BT) Project authorized by the United States Congress in 1937; and

WHEREAS, The C-BT Project collects water from the Upper Colorado River Basin, including Shadow Mountain Reservoir, and Lake Granby just downstream of Grand Lake, and involves pumping water from these downstream reservoirs into Grand Lake and through the Alva B. Adams Tunnel to northeastern Colorado; this process reverses the

natural flow of water and thereby results in less pristine reservoir water being introduced into Grand Lake; and

WHEREAS, Senate Document No. 80, 75th Congress, 1st Session, authorized the U.S. Bureau of Reclamation (Reclamation) to construct the C-BT Project; and

WHEREAS, The U.S. Congress, when it authorized the funding to construct the elements of the C-BT in 1937, acknowledged the need to preserve Grand Lake, the Colorado River, and Rocky Mountain National Park by requiring, through the authorization language codified in Senate Document No. 80, that the C-BT "must be operated in such a manner to most nearly affect the following primary purposes:

1. To preserve the vested and future rights in irrigation.
2. To preserve the fishing and recreational facilities and the scenic attractions of Grand Lake, the Colorado River and Rocky Mountain National Park.
3. To preserve the present surface elevations of the water in Grand Lake and to prevent a variation in these elevations greater than their normal fluctuation.
4. To so conserve and make use of these waters for irrigation, power, industrial development, and other purposes, as to create the greatest benefit.
5. To maintain conditions of river flow for the benefit of domestic and sanitary uses of this water."; and

WHEREAS, The C-BT, as authorized by Senate Document No. 80 and operated by the Northern Colorado Water Conservancy District in collaboration with the U.S. Bureau of Reclamation, provides supplemental water for irrigation to more than 120 ditches and 60 reservoirs, serves 29 Colorado communities with municipal and industrial water, and generates electric power that is marketed by the Western Division of the Pick-Sloan Missouri Basin Program from six power plants; Grand Lake also diverts water that serves over one million Coloradans and 615,000 acres of agricultural land, which includes parts of the Greater Denver-Metropolitan Area; and

WHEREAS, In 2008, the Colorado Water Quality Control Commission (WQCC) adopted a narrative and 4-meter numeric clarity standard (with a delayed effective date) - the first of its kind in Colorado - in an attempt to improve the clarity of the water in Grand Lake; and

WHEREAS, In 2014, the WQCC amended the 2008 Grand Lake Clarity narrative standard to provide that Grand Lake achieve "[t]he highest level of clarity attainable, consistent with the exercise of established water rights, the protection of aquatic life, and protection of water quality throughout the Three Lakes System" and in 2016 subsequently adopted clarity goal qualifiers of a 3.8 meter (12.5 feet) average depth and 2.5 meter (or 8.2 feet) daily minimum depth to be met throughout the most important recreational season - from July 1 to September 11 - the times when most pumping from downstream reservoirs occurs delivering water to Grand Lake; and

WHEREAS, Northern Water has a contractual relationship with the United States, as defined by its 1938 Repayment Contract and subsequent 2013 Clarity Supplement, that outlines their commitment "to identify and evaluate factors that affect clarity in Grand Lake and to develop a plan in accordance with this Supplement to meet the applicable water clarity standards"; and

WHEREAS, In furtherance of the 2013 Clarity Supplement, and in acknowledging the importance of developing a larger cooperative action to address Grand Lake water clarity, in 2016, the U.S. Bureau of Reclamation, the Northern Colorado Water Conservancy District, the Grand County Board of Commissioners, the Northwest Colorado Council of Governments, and the Colorado River Water Conservation District signed the "Grand Lake Clarity Stakeholders' Memorandum of Understanding" (MOU) "to establish an adaptive management process for clarity in Grand Lake, to occur concurrent with Reclamation's exploration of alternatives to improve clarity in Grand Lake consistent with federal Principles, Requirements, and Guidelines that guide federal investments in water resources, which MOU was extended to 2026"; and

WHEREAS, Since the adoption of the clarity goal qualifiers and the 2016 MOU, Grand Lake Adaptive Management (GLAM) has had some measurable improvements in Grand Lake clarity and an improved understanding of the relationship between water quality and operations that has informed the process, although Grand Lake has not consistently achieved the water clarity goals in the WQCC's standard because annual snowpack and rainfall are still major contributing factors to Grand Lake water clarity; and

WHEREAS, Grand County's economy relies on outdoor recreation, tourism, and agriculture, and the Grand County Tourism Board reported visitor days in July, August, and September totaled 4.3 million in 2022 and 3.7 million in 2023; and

WHEREAS, The collaborative efforts to improve the clarity of the water in Grand Lake, although laudable and ongoing, may be insufficient to consistently meet the clarity-goal qualifiers for Grand Lake; now, therefore,

Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of the State of Colorado, the Senate concurring herein:

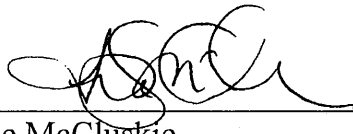
That we, the members of the Colorado General Assembly:

(1) Recognize the importance of Grand Lake and its unique water clarity as an aesthetic, recreational, wildlife, tourist, economic, and historic asset to the state and nation;

(2) Recognize the importance of the C-BT project for essential water deliveries to Colorado's northern Front Range and plains region and economy; and

(3) Urge the collaborating entities of the 2016 MOU to continue their efforts to establish effective, measurable, demonstrable, and achievable short- and long-term solutions to increase the clarity depths in Grand Lake and meet state-issued clarity standards.

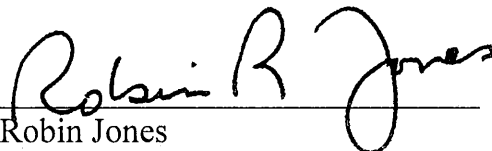
Be It Further Resolved, That copies of this Joint Resolution be sent to the Town of Grand Lake; Governor Jared Polis; Dan Gibbs, Executive Director of the Department of Natural Resources; Congressman Joe Neguse; Senator Michael Bennet; Senator John Hickenlooper; Grand Lake Adaptive Management (GLAM); the U.S. Bureau of Reclamation; the Northern Colorado Water Conservancy District; the Grand County Board of Commissioners; the Northwest Colorado Council of Governments; and the Colorado River Water Conservation District.



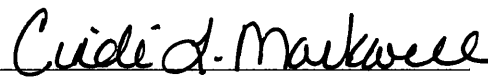
Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE