

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO
WATER CONSERVANCY
DISTRICT MINUTES
May 18, 2023**

A meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, May 18, 2023, 9:36 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado. The ZOOM platform was also made available for Board members and visitors. Mr. Long asked Margie Medina for a roll call for those connected via ZOOM.

President Long established that a Quorum was present.

DIRECTORS PRESENT:

Andy Colosimo (remote)	Dallas May	Matt Heimerich (remote)
Alan Hamel	Howard “Bub” Miller (remote) @ 10:01	Pat Edelmann
Ann Nichols	Kevin Karney	Patrick Garcia
Bill Long	Mark Pifher	Seth Clayton
Curtis Mitchell		Tom Goodwin

DIRECTOR(S) ABSENT AND EXCUSED:

Greg Felt

DISTRICT OFFICIALS:

Executive Director James Broderick; General Counsel Lee Miller; Staff Attorney Peter Levish; Senior Policy and Issues Manager Chris Woodka; Water Resources Principal Engineer Garrett Markus; Principal Engineer Kevin Meador (remote); Administrator of Administration Leann Noga; Administrative Support Specialist’s Margie Medina and Patty Rivas; and H2O Consultant Roy Vaughan.

VISITORS PRESENT:

Abba Ahmed and Rick Kienitz, Aurora Water; Erin Wilson, Wilson Water; Krystal Brown, USGS; Mike Holmberg, USBR; Rachel Zancanella, Lonnie Spady, Brian Lenherr and Beth Nasker, Colorado Division of Water Resources; Robert Wahl, Travis White, Katherine Kornbrust, JHL Constructors; and Steve Kastner, Sunset View Water Company.

VISITORS CONNECTED VIA ZOOM:

Jerry Pena, Kennedy Jenks; Kevin Salter, Kansas Department of Agriculture; Luke Mecklenburg, Assistant Attorney General, Federal and Interstate Water Unit; Sean Berzins, AECOM; and Roy Heald, Security Water & Sanitation (@ 10:50).

INTRODUCTION OF VISITORS:

President Long welcomed the visitors to the meeting.

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APPROVAL OF MINUTES:

President Long said the minutes from the April 20, 2023, District Board meeting were posted to OnBoard and the website for review and asked if there were any corrections or additions. Hearing none, Mr. Garcia moved, seconded by Mr. Mitchell to approve the minutes. Motion unanimously carried.

TREASURER REPORT:

Ms. Nichols reported the financial statements for April 2023, were posted to OnBoard and the website for review. Ms. Nichols moved, seconded by Mr. Clayton for acceptance of the April 2023 financial statements and payment of the May 2023 bills. Motion unanimously carried.

ACTION ITEMS:

ELECTION OF OFFICERS

Annually the election of officers is conducted in the month of May following the appointment of the Board of Directors in April. President Long asked if there were any nominations for any positions. Mr. Karney moved to keep the current slate of elected officers of the Board of Directors, seconded by Mr. Goodwin. Motion unanimously carried.

**CONTRACT BETWEEN THE U.S/SECWCD FOR COSTS FOR A PUEBLO RESERVOIR
SEDIMENTATION STUDY**

Mrs. Noga presented an action item that recommends approval of this contract to continue the ongoing efforts to study sediment and storage recovery in Pueblo Reservoir.

The Recovery of Storage program is divided into the following activities:

1. Hydrographic (multibeam) and topographic surveying (LiDAR) within Pueblo Reservoir, and upstream areas of interest.
2. Tributary risk assessment of sediment load.
3. Development of a sediment analysis plan.
4. Hydrologic studies and numerical modeling of fluvial processes.
5. Pre-feasibility of dredging design and disposal analysis at Pueblo Reservoir.
6. Pre-feasibility of Upper Arkansas River basin sedimentation reduction analysis and design.

The Reclamation portion of the project is being completed by the Technical Services Center in Lakewood, and includes the bathymetric survey of Pueblo Reservoir, LiDAR, surface mapping, and core sampling and analysis. The budget estimate is \$432,076.

The District portion of the project will be completed by Mott MacDonald and includes the upstream tributary risk assessment, developing a basis for the pre-feasibility studies for dredging and upstream sediment reduction. The budget estimate is \$269,642.

This project is tied to the Fryingpan-Arkansas Project Contract which requires the District to pay 55.793 percent of all Operations and Maintenance and/or Extraordinary Maintenance costs at Pueblo Reservoir. The Aging Infrastructure Account requires Reclamation to complete a signed repayment contract to award \$1 million for the project funds.

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The District has requested, and Reclamation has agreed to use the Fryingpan-Arkansas Reserve funds to pay for the required 55.793 percent as permitted by the Fryingpan-Arkansas Contract. The District and Reclamation have added language in the contract so that payment of the 55.793 percent is paid upfront with a reconciliation process at the completion of the Project. This will ensure that the District does not increase the debt of the Fryingpan-Arkansas Project or accrue any interest.

Mr. Garcia moved, seconded by Mr. Hamel, that the Board of Directors approve the contract, or a contract substantially similar, between the United States and the Southeastern Colorado Water Conservancy District for Extraordinary Maintenance Costs for a Pueblo Reservoir Sedimentation Study. Motion unanimously carried.

Copies of The Recovery of Storage Appropriation Request January 2022 and a DRAFT of the contract were provided to the Board.

RECOVERY OF STORAGE CONTRACT WITH MOTT MACDONALD

Mr. Woodka presented an action item that recommends approval of a contract not to exceed \$269,642 to Mott MacDonald for Phase III Recovery of Storage study.

The District began a Pueblo Reservoir Recovery of Storage Study (Study) in 2020. The firm of Mott MacDonald completed Phase I of the study in October 2020, and Phase II, Task 1 in September 2021. As next steps, the consultants recommended updated bathymetric and topographic surveys, refined storage capacity estimates, and a hydrology and geomorphology assessment of the area upstream of Pueblo Reservoir.

Reclamation completed a bathymetric survey and core sampling of Pueblo Reservoir in March 2023, when water elevation in the reservoir is presumed to be highest. Reclamation will do a topographic survey with LiDAR in October 2023, when reservoir elevations are presumed to be lowest. The District posted a Request for Proposals (RFP) for the upstream tributary risk assessment from May to September 2023 to determine where sediment is coming from. This work should be completed prior to the LiDAR survey to survey upstream sites as well as the area immediately surrounding Pueblo Reservoir.

Bathymetric and LiDAR images will be compared to similar surveys completed 10 years ago to determine the impact of sedimentation during that time.

The District and Reclamation will use this information to develop a plan of action that will look at the most cost-effective methods to reduce the amount of sediment coming into Pueblo Reservoir and to recover storage that has been lost to sedimentation during the first 50 years of operations at Pueblo Reservoir. An RFP for the District portion of Phase III was posted on the District web site and at the District office on April 3, 2023.

One firm, Mott MacDonald, met the filing deadline of 4 p.m. April 24, 2023. Their proposal will accomplish the upstream tributary risk assessment in the necessary time frame.

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The Resource and Engineering Planning Committee voted to recommend Board approval of a contract with Mott MacDonald at its May 4, 2023, meeting.

Mr. Clayton moved, seconded by Mr. Karney, District Board approve the Storage Recovery Study Phase III contract with Mott McDonald not to exceed \$269,642. Motion unanimously carried.

Copies of the Contract were provided to the Board.

RATIFICATION OF ANS AGREEMENT FOR TURQUOISE AND TWIN LAKES

Mr. Woodka presented an action item that recommends approval of a Cooperation Agreement to provide funding for Colorado Parks and Wildlife (CPW) boat inspections for Aquatic Nuisance Species (ANS) at Turquoise Lake and Twin Lakes for the 2023 season.

Evidence of ANS species at Pueblo Reservoir surfaced in 2008, when dead veligers (larval stage) of zebra mussels were found. Such mussels form colonies on water infrastructure that can lead to operational problems. CPW initiated a boat inspection and decontamination program in response to the threat. To continue the inspection program, rather than pre-certification of watercraft as proposed by CPW, during winter months, the District, Pueblo Board of Water Works (Pueblo Water) and Colorado Springs Utilities (C-SU) entered an agreement to provide funding for the ANS program during winter months in 2019. The District has continued to support this program in the ensuing years. Total annual cost is about \$60,000.

In early 2023, a cooperative agreement to fund ANS inspections by CPW was drafted to include equal shares of funding by CS-U, Aurora Water, Pueblo Water, the District and Pueblo West, which all use the Fry-Ark reservoirs. Funding for 2023 has been set at \$135,000, or \$27,000 per participant. The participants will continue to meet on developing a permanent solution for fully funding ANS inspections at all Fryingpan-Arkansas Project reservoirs.

Mr. Edelmann moved, seconded by Mr. Pifher, to ratify the Cooperative Agreement to provide funding for Colorado Parks and Wildlife boat inspections for Aquatic Nuisance Species at Turquoise Lake and Twin Lakes. Mr. Garcia recused himself from the vote. Motion unanimously carried.

Questions were opened to the Board.

A copy of the Cooperation Agreement for CPW Inspections & Decontamination to prevent ANS was provided to the Board.

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MONTHLY/QUARTERLY REPORTS:

U.S BUREAU OF RECLAMATION REPORT

Mr. Mike Holmberg provided a written report reviewing the following, May 14, 2023, the topic of discussion will be Flood Operations, but first he reviewed:

- 215,142 acre-feet stored in Pueblo Reservoir
- 112,352 acre-feet of Project Water
- 46,185 acre-feet of Excess Capacity Water
- 32,421 acre-feet of Winter Water
- 133,020 acre-feet of Project Water Space Available in the System
- 50,991 acre-feet of Project Space in Twin & Turquoise Lake
- Previous 2023 Forecast:
 1. February 1 – 59.9 KAF
 2. March 1 – 56.2 KAF
 3. April 1 – 57.2 KAF
- May 1, 2023, Forecast:
 1. 30% - 50.0 KAF
 2. 50% - 55.4 KAF
 3. 70% - 60.8 KAF
- Pueblo Dam Flood Operations
 1. Pueblo Reservoir is the only East-Slope Fry-Ark reservoir with a flood control authorization.
 2. It can store 93,001-acre feet of flood water between the top of active conservation pool and the top of flood control elevation.
 3. Once dam goes into uncontrolled spill, revert to Reclamation SOP Max outlet works releases of 11,250 cfs plus uncontrolled spill flow up to 191,00 cfs if possible. This will create downstream flooding.
 4. Will release the max amount permissible without exceeding 6,000 cfs at Avondale
 5. Flooding is predicted to go into Joint Use Pool: Regulated releases may be in amounts which, when combined with local flows shall not contribute to flows more than 6,000 cfs at Avondale.
- Emergency Action Plan (EAP)
 1. Purpose of EAP: is to guide dam operations, supervisory and response personnel in identifying, monitoring, responding to, preventing, and mitigating emergency situations at the dam. It outlines who does what, where when and how in an emergency.
- 5 Levels
 1. Internal Alert (Cause for concern) only Reclamation
 2. Response Level 1 (Get Ready) Public starts getting notified
 3. Response Level 2 (Get Set) Public is let known flooding is imminent.
 4. Response Level 3 (GO!) evacuation orders
 5. Response Level 4 (GONE) Pueblo Dam has failed, or in the process of failing
- On May 12, 2023:
 1. Flows at Avondale were approaching 5,000 cfs
 2. Fountain Creek was flooding
 3. Releasing 620 cfs from Pueblo Dam

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4. Coordination between DWR, USACE, Bureau of Reclamation
5. Inflows to Pueblo Reservoir were not a cause for concern
6. Use time of travel advantage

The rest of the informational statistics were included in his PowerPoint. The Board was provided with a copy.

COLORADO DIVISION OF WATER RESOURCES

Mrs. Rachel Zancanella first presented two members of DWR, Lonnie Spady, River Operations Coordinator, and Brian Lenherr, Reservoir Operations Coordinator. She then went on to present a short video showing the river on May 12, 2023, at Fountain Creek.

A PowerPoint was then presented, titled: *Managing Flood Flows*, reviewing the dangerous conditions all the recent rains have created, beginning with a timeline of events.:

- Managing Peak Flows
- Fountain Creek Flows
- Combining Hydrographs
- After the Flood Flow Peaks, Catching up Pueblo Reservoir
- Pueblo Reservoir Hydrograph
- The Gages Were Calibrated by USGS Late Afternoon May 12
- Peeling off the Peak

Questions were asked of Ms. Zancanella

U.S GEOLOGICAL SURVEY

Ms. Brown presented to the Board a presentation covering USGS Monthly Streamflow Comparison Maps:

- April 2022 and April 2023 maps were shown
- Drought Conditions for May 10, 2023, <https://dashboard.waterdata.usgs.gov/app/nwd>
- Water Supply forecasts – upper and Lower Ark basin in Colorado
- East Fork Arkansas River at HWY 24 & Cumulative streamflow Hydrograph
- Arkansas River near Avondale & Cumulative Streamflow Hydrograph
- Arkansas River nr Granada & cumulative streamflow hydrograph

Questions were asked of Mrs. Brown.

STATE LEGISLATION UPDATE

Mr. Lee Miller provided an update to the Board by reporting that the 74th General Assembly completed the 120-day session on Monday 8, 2023, and adjourned “sine die.” Under the Colorado Constitution, all unfinished or pending matters that are on the calendar when adjournment sine die occurs die under the rules. A bill which is killed by rule does not roll over into the next session. Any such bill would have to be reintroduced for the 2024 session. During a legislative session, the Governor has 10 calendar days to act on a bill that has reached his desk. If a bill reaches his desk after adjournment sine die, the Governor has 30 calendar days to act. Consequently, actions by the Governor must be completed by June 8.

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Mr. Miller spoke briefly regarding SB 23-303, a bill reducing property taxes and voter-approved revenue change. More information on the impact to the District by its passing will be forthcoming.

The next bill discussed by Mr. Miller was SB 23-295. The bill creates the Colorado river drought task force (task force). The members of the task force must, to the extent practicable, reflect the racial and ethnic diversity of the state and have experience with a wide range of water issues. The task force must begin meeting no later than July 31, 2023, and may hold up to 12 meetings in the 2023 legislative interim. The purpose of the task force is to develop recommendations for state legislation that provides additional tools for the Colorado Water Conservation Board to collaborate with the Colorado River Water Conservation District, the Southwestern Water Conservation District, and other relevant stakeholders in the development of programs that address drought in the Colorado river basin and interstate commitments related to the Colorado river and its tributaries through conservation of the waters of the Colorado river and its tributaries (recommendations). The bill also requires the task force to establish a sub-task force to study tribal matters (sub-task force) and provide additional recommendations for state legislation.

No later than December 15, 2023, the task force and the sub-task force must submit a written report that includes the recommendations and a summary of the task force's and sub-task force's work to the water resources and agriculture review committee. The Speaker of the House signed the bill Wednesday May 17, 2023, and is on its way to the Governor.

Questions were opened to the Board.

COLORADO RIVER ISSUES STATUS

Mr. Lee Miller updated the Board, on April 11, 2023, the Bureau of Reclamation (Reclamation) released a draft Supplemental Environmental Impact Statement (SEIS) to potentially revise the current interim operating guidelines for the near-term operation of Glen Canyon and Hoover Dams. The draft SEIS released analyzes alternatives and measures to address potential shortages if such measures are required to protect Glen Canyon and Hoover Dam operations, system integrity, and public health and safety in 2024 through 2026, after which the current operating guidelines expire.

Written comments on the SEIS should be submitted by May 30, 2023. District staff has begun reviewing the SEIS and is working with other Colorado entities regarding plans to comment on the SEIS by the deadline.

The final virtual public meeting for Reclamation to provide information on the draft SEIS, answer questions, and take verbal comments was on May 16, 2023. For information on how to participate in the public meeting, go to <https://www.usbr.gov/ColoradoRiverBasin/SEIS.html>.

Reclamation held a webinar on May 10, 2023, to discuss the plans for the 2023 Drought Response Operations Plan. Information on that presentation can be found at <https://www.usbr.gov/dcp/droa.html>. The Upper Colorado River Commission held a special meeting on May 17, 2023, where the Commission approved sending the 2023 Drought Response Operations Plan to the Secretary

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The Board was reminded that the next Colorado River and Water Supply Committee meeting will be held May 18, 2023, 1/2 hour after the Board Meeting Adjourns.

INFORMATIONAL ITEMS:

The Board was provided written material on the following topics, which were posted to OnBoard and the Board website:

- Water Court Resume
- Quarterly Information Legal Report
- 2023 Committee Appointments

President Long asked if there were any other matters to come before the District Board. Hearing no other matters to come before the Board, Mr. Long adjourned the District Meeting at 11:15 a.m.

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Respectfully submitted,

Patty Rivas
Administrative Support Specialist

Seth Clayton – Secretary

Bill Long – President

Howard “Bub” Miller

Curtis Mitchell – Vice President

Kevin Karney

Ann Nichols – Treasurer

Mark Pifher

Alan Hamel

Matt Heimerich

Andy Colosimo

Pat Edelman

Dallas May

Patrick Garcia

Greg Felt

Tom Goodwin