

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO
WATER ACTIVITY ENTERPRISE
MINUTES
June 15, 2023**

A meeting of the Board of Directors of the Southeastern Colorado Water Activity Enterprise (Enterprise) was held on Thursday, May 18, 2023, at the District office, 31717 United Avenue, Pueblo, Colorado. President Long called to order the Enterprise meeting at 11:40 a.m. The ZOOM platform was also made available for Board members and visitors.

President Long established that a Quorum was present.

DIRECTORS PRESENT:

Andy Colosimo	Greg Felt	Patrick Garcia
Alan Hamel	Howard "Bub Miller (remote)	Seth Clayton
Ann Nichols	Kevin Karney	Tom Goodwin
Bill Long	Mark Pifher	
Dallas May	Pat Edelmann (remote)	

DIRECTOR(S) ABSENT AND EXCUSED:

Curtis Mitchell, and Matt Heimerich

President Long established that a Quorum was present.

DISTRICT OFFICIALS:

Executive Director James Broderick; Staff Attorney Peter Levish: Senior Policy and Issues Manager Chris Woodka; Water Resources Principal Engineer Garrett Markus; Principal Engineer's, Kevin Meador and Mark Scott ; Administrator of Administration and Finance Leann Noga; Administrative Support Specialist's Margie Medina and Patty Rivas; Finance Manager Stephanie Shipley; Finance Specialist Lynette Holt (remote @ 9:47); H2O Consultant Roy Vaughan: Kogosovek and Associates Christine Arbogast: and Kleinfelder Gordon Dillon.

VISITORS PRESENT:

Abba Ahmed, Aurora Water; Abby Ortega, Colorado Springs Utilities; Bethany Arnold and Rachel Zancanella, Division of Water Resources; Bill Tyner, Tyner Consulting; Cathy Garcia, Congresswoman Lauren Boebert's Office; Joseph Stadterman, Colorado Parks & Wildlife; Krystal Brown, USGS; Mike Holmberg, USBR; Renee Martinez, Senator Michael Bennett's Office; Tom Waters, Arkansas Headwaters; and Travis White, JHL Constructors

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VISITORS CONNECTED VIA ZOOM:

Curtis Thompson, AECOM; Jerry Pena, Kennedy Jenks; Lisa Wade, Wilson Water Group (@ 9:36); Rachel Duran, Kansas Department of Agriculture (@ 9:35); and Rick Kienitz, Aurora Water (@9:43)

APPROVAL OF MINUTES:

President Long said the minutes of the May 18, 2023, Enterprise Board meetings were posted to OnBoard and the website for review and asked if there were any corrections or additions. Hearing none, Mr. Garcia, seconded by Mr. Hamel to approve the minutes. Motion unanimously carried.

TREASURER REPORT:

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

PRESENTATION ITEM:

FEDERAL LEGISLATION UPDATE

Ms. Arbogast gave an update to the Board:

- The House is now moving quickly thru budget issues now that the Debt Ceiling issue has been resolved, and are hoping to markup appropriation for 12 bills before they recess
- The Energy and Water Appropriations has passed for fiscal year 2024
 1. BOR budget was cut by 91 million. Considering their budget is 1.8 billion, this will be ok
 2. There was an increase to spending for water infrastructure, AVC funding is secure
- There is discussion regarding the Farm Bill, and Senator Bennett is highly active in participation
- A few individuals were able to meet with Congresswoman Yadira Caraveo from the 8th District in the House Ag Committee. There is discussion from the Delegation about what needs to happen for the benefit of Colorado.
- Congresswoman Boebert is in works to pass a bill to allow paying off the BOR contract early with no penalties
- Senator Bennet is getting ready to introduce a bill for BOR funding to partner with those already involved in protection against aquatic invasive species
- There is a lot of talk and action on the introduction of a longer-term authorization for the Endangered Fish Recovery Program
- Ms. Arbogast asked Mr. Pipher to update the Board on the Sackett decision on May 25, 2023:
 1. On May 25, 2023, the U.S. Supreme Court weighed in on the decades-long dispute over the jurisdictional reach of the Clean Water Act ("CWA"). In Sackett v. Environmental Protection Agency, the Court's majority issued a sweeping ruling that limited the scope of federal regulation over wetlands and other waters by adopting a

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narrow interpretation of federally-regulated “waters of the United States” (“WOTUS”). The Court’s decision in *Sackett* undermines a recent rulemaking by the EPA and the Corps, which adopted a broader definition of WOTUS that the Sackett Court described as “inconsistent with the text and structure of the CWA.” As a result of *Sackett*, the Biden Administration will likely proceed with further rulemaking to conform the regulatory definition of WOTUS to the Court’s decision. In the short term, we can expect the Agencies to issue interim guidance.

There has been an invitation extended by SECWCD, Colorado Springs Utilities, Aurora Water and Pueblo Water, to Representative Brittany Pettersen of the 7th District to take a ½ day tour so she can explain the water infrastructure in that area and what the benefits are. They are hoping to do this in August 2023.

2023 FRYINGPAN-ARKANSAS WATER IMPORTS STATUS

Mr. Markus presented to the Board by way of a PowerPoint presentation:

The Board allocated Project Water and Return Flows on May 18, 2023, at the Southeastern Colorado Water Activity Enterprise Board of Directors meeting.

Bureau of Reclamation has forecasted 55,400 acre-feet (AF) of imports based on the snowpack of May 1, 2023, which will net 42,282 AF for allocation.

The current Fryingpan-Arkansas Project Water imports as of June 8, 2023, are 32,282 AF which is 58 percent of forecasted imports. Fifty-eight percent of the projected imports produces an allocation of 23,556 AF of Project Water, which is 82 percent of the Project Water initially released to water users. The current imports have not exceeded the initial release, the 2022 budgeted amount, nor the May 1, 2023, forecast. Once the imports exceed the initial release amount, the District staff will release additional Project Water to our stakeholders on the first and fifteenth of each month to match the amount of imported water at that point in time.

AVC MEETING WITH BUREAU OF RECLAMATION

President Long advised there was a meeting on Tuesday June 16, 2023, and invited Mr. Broderick to review discussion topics

- Trunk system that is being constructed by the Bureau of Reclamation
- Avondale/Boone Delivery Lines Construction, and Request for Proposal (RFP) was released May 31, 2023
- Discussion was had regarding funding and upcoming projects
- Governor Polis signed in June 2023, to take effect July 1, 2023, SB23-214 Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2023, except as otherwise noted.

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60TH ANNIVERSARY VIDEO: ENVIRONMENTAL AND RECREATION BENEFITS OF THE FRYINGPAN ARKANSAS PROJECT

Mr. Woodka presented a video which discussed the concept of recreation associated with the Fry-Ark Project has shifted in the years since the Project began 60 years ago. As the Project was developed, the reliability of water increased in the Arkansas River between upper reservoirs (Turquoise and Twin Lakes) and Pueblo Reservoir. Water management developed ways to improve flows for both aquatic wildlife and recreational activities.

At the same time, the type of flatwater recreation envisioned in the 1960s has prospered under the Fry-Ark Project. The Project's reservoirs are popular attractions, and Pueblo Reservoir has become a breeding ground for fish all over the state.

Today's video emphasizes the relationship between water rights holders and those who depend on the river for both enjoyment and the opportunity to earn a livelihood from the Arkansas River thanks to the Fry-Ark Project.

INFORMATION ITEMS:

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

- AVC Update
- JWBHP Update
- Excess Capacity Master Contract Update

President Long asked if there were any other matters to come before the Enterprise Board, hearing no other matters Mr. Long adjourned the meeting at 12:21 p.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 Edelmann

Dallas May

Patrick Garcia

Greg Felt

Tom Goodwin