

Republican River Water Conservation District
Special Board Meeting
Hilton Garden Inn ~ 14275 Lincoln St., Thornton, CO
January 05-06, 2023

Welcome – Rod Lenz, President of the Board

President Lenz called the meeting to order at 1:31PM

- Pledge of Allegiance & Prayer
- President Lenz read the Oath of Office for the swearing in of Robin Liming, Yuma County representative to RRWCD Board
- Roll call of Directors/declare a quorum – Gil Anderson, Secretary of the Board

Present were:

Rod Lenz, President
Greg Larson, Vice President
Gil Anderson, Secretary
Aaron Sprague, Treasurer
Wil Bledsoe
Brooke Campbell
Kevin Penny
Jim Hadachek
Robin Liming
Steve Kramer
Kristen Schneider
Rod Mason
Steven Meakins
Tim Pautler
Don Brown
Roger Seedorf
Robin Liming

Debra Daniel, RRWCD General Manager
Reon McBride, RRWCD Office & Finance Manager
Payton Liming, RRWCD Administrative Assistant
David Robbins, RRWCD General Counsel, Hill & Robbins, P.C.
Pete Ampe, RRWCD General Counsel, Hill & Robbins, P.C.
Landon Gates, RRWCD State Lobbyist
Tim Davis, RRWCD Conservation Consultant

Guests:

House Rep. Holtorff
Robert Sakata
Rep. Bockenfeld

Via Zoom:

David Churchwell
Chelsea Erikson-Kansas DNR
Nate Pearson-DNR

President Lenz asked for a motion to approve agenda. **There was a motion and second to approve the agenda. The vote was unanimous.**

PRESIDENT'S REPORT—Rod Lenz, RRWCD Board president

Lenz discussed keeping the board together and that a nine to eight vote on any issue is no good for the Board. Lenz is excited for the discussion tomorrow.

PUBLIC COMMENT

At 1:39 PM President Lenz asked for any comments from the public, seeing none, the group moved on. Public session closed at 1:40 PM.

STATE AND FEDERAL LEGISLATOR REPORTS

James Thompson, regional director for Senator Bennet's office, not present

Richard Holtorf, CO State House of Representative

The District must work together as a team. Through togetherness, the RRWCD may yield inspiration for other basins. Rep. Holtorf asked the Board of Directors to build upon each other, not attack each other. The differences the members have need to stay in this room, he stated be unified when you walk out of the room. Rep. Holtorf discussed receiving phone calls from constituents in Yuma County with the sentiment being the state of Colorado got the farmers into this problem, so the State needs to get them out. Rep. Holtorf believes the General Assembly's assistance is part of the District being successful.

Rod Bockenfeld, CO State House of Representative

Rep. Bockenfeld discussed who he represents county-wise, stated he sits on the Joint Budget committee, and thanked the group for their work.

PRESENTATIONS & REPORTS

Proposed Fee Evaluation Presentation—Kevin Penny, Fee Evaluation Chairman, Deb Daniel, RRWCD General Manager

- Penny and Daniel gave the Proposed Fee Evaluation presentation and an update on meetings with county commissioners and GWMDS
 - Has met with seven counties and four GWMD
- Specific comment from one commissioner during a meeting at the beginning of December, "I am still pumping because that is the signal the RRWCD has sent me."
- Penny discussed a personal anecdote about changing the meters as a member of an electric board. He discussed his concerns. Seedorf asked if Penny was concerned about violence and Penny stated he was. Brown stated the representatives to the Board can stand with the presenters to make them feel safer.
- Daniel asked to have the board moving in the same direction after this retreat, she asked the group at large, "Please tell the group your concerns so we can address them."
- There was discussion about the structure fee being punitive and cause for some landowners to bring old wells online. Sprague stated that those wells being brought online gives the district certainty about the future of those wells.
- There was discussion related to the pumping charge and using one-year, two-year and three-year rolling averages. Schneider pointed out that was a concern at one of the meetings.
- Daniel showed her short PowerPoint showing the steps used for administering the fee, if the fee structure changed.
- Seedorf asked a legal question related to charging a Structure Fee, Robbins stated there is a legitimate and easily made argument that the board has a responsibility to replace the depletions of the inactive wells that are still depleting the streams. By having a permit, a well has the ability to come online. (This is currently being done by wells in the Rio Grande Basin)

Website options and social media report-Reon McBride, Office & Finance Manager and Payton Liming, Administrative Asst

- Discussion on adding approved (those with signatures) minutes to the website.

Landon Gates and Brock Herzberg, Capitol Focus, LLC report on upcoming session

- Gates will follow up with the board about getting the RRWCD to meet with legislators.
- McClusky from Dylan (Speaker) stated water shortage issues will be in front of the group. Gates stated water shortages have not been in front of the legislature to this degree until now (as far as Gates' tenure is concerned)
- Dylan Roberts is the chair of the Ag committee (Good setup for who is on the committee)
- House committee (Karen McCormick is chair) (4 Republicans and 9 Democrats) (Holtorf is on this committee)
 - Many new faces at the legislature so a lot of education but all but two are rural or rural related, so the rural support is present.
- Sports betting is supposed to double earnings and that money goes into the Colorado Water Plan
- Gates has not heard much related to water bills, Robbins stated he has heard rumor that something similar to RRWCD/RGWCD will be established for the Colorado River and also those who are running out of water on the west slope are looking into a bill.
- Gov. has suggested creating new positions within DNR for a future Colorado River fight.
- Reauthorization and Reapplicators Act fight over removing state preemption and move those to local control.
- Penny asked about the workforce bill-SB 87→Gates will get documentation to Daniel about the workforce bill

Nate Pearson, Colorado Recovery Officer

- Pearson thanked everyone who worked to get the SB22-028 bill passed.
- Pearson discussed the process to get the funds in process and the RRWCD has worked diligently to get payments out the door. Pearson stated the first reimbursements have gone out the door to the District.
- Pearson discussed other funding sources available to the District.

There was a break at 3:43 PM.

The group reconvened at 3:59 PM.

Conversation with CO Ag Commissioner, Kate Greenberg

Greenberg thanked everyone. She then discussed working in her position for 5 years. Greenberg discussed the budget has doubled in the past years and that means CDA has scaled up their office, they have brought on a person who specifically works in emergency nature response. Greenberg discussed response for animal health emergencies, and how there are grant opportunities for food deserts and other new programs. Greenberg discussed many new positions including part-time regional commissioners who are full-time ranchers/farmers. Also CDA has a new full time person dedicated to water resources. Greenberg spoke extensively on the work that CDA does and how her hope is to create vibrant and robust agriculture economy with less water.

- Bledsoe asked about the relationship between the CDA and CSLB
 - The two don't really interact.
- Brown asked about the pesticide preemption.
 - The CDA team is working to find a way through for Ag, when there is no formal legislation. There was extensive discussion related to this issue and the issue with using county lines.

Steps to apply, compile, sign and receive contracts and payments for RRWCD conservation programs: CREP ~~ EQIP ~~ RAMP ~~ WPPP-Deb Daniel, General Manager, Payton Liming, Administrative Assistant and Reon McBride, Finance and Office Manager

BOARD DISCUSSION & ACTION ITEMS

Discuss pursuing additional funding from state legislature for retiring of acres in the SFFZ

- Moved to tomorrow in New Business

Discuss dryland CREP – update from Don Brown

- Brown discussed the issue still lies within getting the formulas figured out (the economics still don't work)

Discuss possible RRWCD trip to Washington, D.C.

- Bledsoe suggested going in the end of March and beginning of April.
- **There was a motion to approve the Washington DC trip with details to be ironed out later. There was a second and the vote was unanimous.**

Receive report from Personnel Committee – Brooke Campbell, Personnel Committee chair.

- **There was a motion and second to approve the recommendation of the personnel committee. Robin Liming recused himself from the vote. The vote was unanimous to accept the committee's recommendation.**

No executive session was held on January 5th, 2023.

Closing comments by Rod Lenz, Board President --- Close meeting

President Lenz requested the board be understanding and understand we will walk out of the meeting tomorrow cohesive.

Robbins stated the discussion tomorrow needs to stay within the bounds of conservation to keep the guidelines of the open meeting law.

At 5:30PM there was a motion to close the meeting.

Republican River Water Conservation District
Special Board Meeting
Hilton Garden Inn,
January 6, 2023
Proposed Agenda
(Times are Approximate)

RRWCD Special Board meeting ~ January 6, 2023 ~ Hilton Garden Inn, Thornton, CO

Meeting was re-opened at 8:07AM.

Pledge of Allegiance & Prayer

Roll call of Directors/declare a quorum – Gil Anderson, Secretary of the Board

All accounted for except for Greg Larson, he is excused.

8:10 AM Public Comments

Hearing no public comment, the group moved on to the next portion of the agenda.

At 8:13 AM there was a motion and second to go into executive session, the vote was unanimous.

Executive Session to discuss appropriate strategies, and receive legal advice, to address the issues associated with the long-term problem of Republican River Compact compliance, and will include discussion with invited subject matter experts.

All board members present for the meeting entered Executive Session with the following guests present:

Kevin Rein, Mike Sullivan, Sen. Cleave Simpson, Robert Sakata, and Willem Schreuder

The group took a break at 10:20 AM and reconvened at 10:37 AM.

At 12:05 PM the group took a break to get lunch and reconvened at 12:24 PM while still in Executive Session.

At 2:28 there was a motion to exit Executive Session. There was a second and the vote was unanimous.

No decisions were made during executive session.

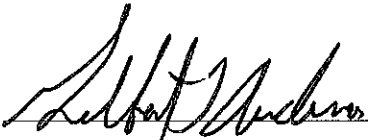
NEW BUSINESS

Legislative committee

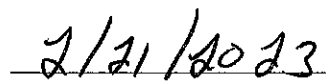
- Meet with Rep. Holtorf
- Run a declaration to keep something in front of the legislature
- There was the suggestion to get a grant to conduct a feasibility study
 - Sen. Simpson suggested the CWCB and Waterplan grants to secure the funds for economic studies
- Sen. Simpson stated he has a different perspective on the value of running a declaration because there are so many issues which must be kept in front of the legislators.

There was a discussion on the rules of Executive Session.

At 2:42 PM there was a motion and second to adjourn the meeting. The vote was unanimous.



Secretary



Date