



Southeastern Colorado Water Conservancy District Board of Directors Meeting

STATE LEGISLATIVE UPDATE

Presentation Report

Date: August 19, 2021

Agenda Item: VI.C

STAFF RECOMMENDATIONS:

Information

BUDGET IMPLICATIONS:

Information

PREVIOUS BOARD ACTION AND/OR ACTIVITY:

Information

ISSUE SUMMARY DESCRIPTION:

The first of three meetings of the 2021 Water Resources Review Committee (WRRRC) is set for August 25, 2021, in conjunction with the Colorado Water Congress Summer Meeting. No agenda for the meeting has been provided at this time. Senator Kerry Donovan will serve as WRRRC chair and Representative Barbara McLachlan as vice chair. WRRRC Senators will include Jeff Bridges, Don Coram, Sonya Jaquez Lewis, and Jerry Sonnenberg. Representatives on the WRRRC will be Marc Catlin, Karen McCormick, Hugh McKean, and Dylan Roberts. The dates of the future meetings have not yet been announced.

There have been few updates on the dredge and fill legislative efforts over the past couple of weeks. In mid-June, in the pending district court litigation, the parties (including the State of Colorado, the Environmental Protection Agency, and the Army Corps of Engineers) filed a joint motion to hold the case in abeyance until January 14, 2022. The requested abeyance will allow the agencies additional time to proceed with their new Waters of the United States (WOTUS) rulemaking and will allow the parties the opportunity to reassess how and whether the litigation should proceed. The Court granted that motion and stayed all proceedings on July 14. This order does not change the fact that the Navigable Waters Protection Rule remains in effect in Colorado.

The Water Quality Control Division (WQCD) has not yet resumed its stakeholder meetings since the last one was held in June, and they do not appear to have any immediate plans to do so. The Colorado Water Congress subcommittee met in late July, and the newly promoted WQCD Director Nicole Rowan offered a brief update:

- Concerning the WQCD's current enforcement activities, the WQCD is still encouraging people to call the WQCD's office with questions and concerns about their dredge and fill

activities in order to avoid enforcement. Nicole reiterated her position that the Division will not be issuing written guidance concerning best management practices for dredge and fill activities, due to lack of funding. The WQCD will also not be providing any written documentation concerning best management practices to project proponents. This proposal does not seem to provide many assurances for project proponents, given the lack of a paper trail, but the WQCD does not seem willing to compromise on this issue.

- WQCD is awaiting further information from the WRRRC to determine how and when the Committee would like to address dredge and fill legislation. Once more information is available from the WRRRC, the WQCD will be able to provide an update on when they will provide a revised draft bill for review. WQCD is also considering whether they should revise their original concept bill from April of this year, which failed to secure a sponsor, or draft an entirely new bill (perhaps modeled after Utah's program or other states' programs).

April Hendricks from Burns Figa and Will continues to represent the District on the CWC subcommittee.

SUGGESTED MOTION:

Information

ATTACHMENTS:

None