



**UPPER EAGLE REGIONAL  
WATER AUTHORITY**

**GOVERNED BY:**

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The Metropolitan  
Districts of:  
Arrowhead  
Beaver Creek  
Berry Creek  
EagleVail  
Edwards

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The Town of Avon

**M E M O R A N D U M**

**TO:** Board of Directors  
**FROM:** Brian Thompson, Government Affairs Administrator  
**DATE:** August 18, 2023  
**RE:** August 24, 2023, Board Meeting

This memorandum shall serve as notice of the Regular Meeting of the Board of Directors of the Upper Eagle Regional Water Authority:

**Thursday, August 24, 2023  
8:30 a.m.**

**This meeting will be held in-person**

Walter Kirch Room  
Eagle River Water & Sanitation District Vail office  
846 Forest Road  
Vail, Colorado

The meeting can also be accessed on Microsoft Teams. Login information can be requested by sending an email at least 24 hours in advance to [info@erwsd.org](mailto:info@erwsd.org).

Input from members of the public is welcomed during the meeting's designated Public Comment consistent with § 18-9-108, C.R.S. Speakers may address the Board on a first-recognized basis by the Chair. Public Comments are limited to three minutes per speaker on relevant matters not listed on the agenda.



**UPPER EAGLE REGIONAL  
WATER AUTHORITY**

**BOARD OF DIRECTORS REGULAR MEETING**  
August 24, 2023  
**8:30 a.m.**  
Walter Kirch Conference Room

**GOVERNED BY:**

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The Metropolitan  
Districts of:  
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Beaver Creek  
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The Town of Avon

**AGENDA**

- |   | <b><u>Attachment Link</u></b> |
|---|-------------------------------|
| <b>1. Introductions</b>   |                               |
| <b>2. Public Comment</b>  |                               |
| <b>3. Action Items</b>  |                               |
| 3.1. Consideration of minutes from July 27, 2023, Regular Meeting   | <a href="#">Action Item</a>   |
| <b>4. Information Reports</b>   |                               |
| 4.1. Development report   | <a href="#">Informational</a> |
| 4.2. Board committees   | <a href="#">Informational</a> |
| 4.3. July meeting summary – draft   | <a href="#">Informational</a> |
| 4.4. Contract log   | <a href="#">Informational</a> |
| <b>5. Board Member Input</b>  |                               |
| <b>6. Eagle River Watershed Council funding – James Dilzell, Executive Director</b>   | <a href="#">Informational</a> |
| <b>7. General Manager Report – Siri Roman</b>   |                               |
| 7.1. GM information items   |                               |
| 7.2. Business Administration report – David Norris  |                               |
| 7.2.1. Irrigation-only rate restructure analysis  | <a href="#">Informational</a> |
| 7.3. Operations report – Brad Zachman   | <a href="#">Informational</a> |
| 7.4. Engineering and Water Resources report – Jason Cowles  | <a href="#">Informational</a> |
| 7.4.1. Colorado Green Business Network Gold Level Status – Tim Friday   | <a href="#">Informational</a> |
| 7.5. Communications and Public Affairs report – Diane Johnson   | <a href="#">Informational</a> |
| <b>8. Water Counsel Report – Kristin Moseley</b>  |                               |
| <b>9. General Counsel Report – Kathryn Winn</b>   | <a href="#">Confidential</a>  |
| <b>10. Executive Session</b>  |                               |
| 10.1. Motion to move into Executive Session pursuant to §24-6-402(4)(b), C.R.S., to receive legal advice related to questions on land use powers                            | <a href="#">Confidential</a>  |
| 10.2. Motion to move into Executive Session pursuant to §24-6-402(4)(b) and (e), C.R.S., to receive legal advice and discuss matters in negotiation related to water supply | <a href="#">Confidential</a>  |
| <b>11. Any Action as a Result of Executive Session</b>  |                               |
| <b>12. Adjournment</b>  |                               |



## UERWA New Development Report, August 2023

Project Location	Type of Use	SFEs Proposed	Augmentation Requirement	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:
<b>Projects undergoing Water Rights Dedication</b>						
Eagle River Presbyterian Church Housing Eagle-Vail	Residential	2	0.17	June 20, 2023	2. Water Analysis	0. Conceptual
Eagle County - Freedom Park Project Edwards	Mixed	20 + Com	3.28	June 7, 2023	2. Water Analysis	0. Conceptual
Cairn's Townhomes Edwards	Residential	12	1.16	May 22, 2023	2. Water Analysis	0. Conceptual
115 Carterville Rd Edwards	Residential	2	0.25	April 19, 2023	2. Water Analysis	0. Conceptual
Mountain Hive Edwards	Residential	110.5	14.4	Withdrawn	N/A	0. Conceptual
Margaux PUD Edwards	Residential	32	3.56	October 11, 2021	3. Cond. Capacity Expires June 27, 2023	0. Conceptual
Vogelman Parcel (Carwash) Edwards	Mixed	1.5	1.1-2.6	July 23, 2020	2. Water Analysis	1. Plan Review
Warner Building 2 Conversion Eagle-Vail	Residential	13.25	0.07	March 16, 2018	3. Cond. Capacity Expires June 28, 2019	N/A
Edwards River Park PUD Edwards	Mixed	440+com	70.2	December 2, 2016	3. Cond. Capacity Expire December 31, 2023	0. Conceptual
<b>Projects not requiring or that have completed Water Rights Dedication</b>						
140 W BC BVLVD Hotel Avon	Residential	79		May 16, 2023	N/A	1. Plan Review
Tract Y- Metcalf Road Avon	Residential	53		February 16, 2023	5. Ability to Serve Letter	2. Plan Approval
CMC Student Housing (Phase I & II) Edwards	Residential	72		February 16, 2022	5. Ability to Serve Letter	4. Final Acceptance
Avon Dual Brand Hotel Traer Creek - Tract J	Commercial	85		February 4, 2022	5. Ability to Serve Letter	3. Under Construction
ECO School District Housing Edwards	Residential	37		August 12, 2021	5. Ability to Serve Letter	3. Under Construction
McGrady Acres Avon	Residential	24		August 5, 2021	5. Ability to Serve Letter	2. Plan Approval
Riverfront Lot 1 Avon	Residential	53		December 22, 2020	N/A	3. Under Construction
Maverik Gas Station Traer Creek	Commercial	2.6		November 11, 2020	5. Ability to Serve Letter	3. Under Construction
NorthStar PUD Amendment Edwards	Commercial	TBD	3.7	November 3, 2020	5. Ability to Serve Letter	3. Under Construction
West End PUD Amendment Edwards	Residential	275	34.25	February 27, 2019	3. Cond. Capacity Expires August 12, 2023	1. Plan Review
Frontgate (CO World Resorts) Avon	Mixed	84	2.6	December 12, 2017	5. Ability to Serve Letter	3. Under Construction
Fox Hollow Amended PUD Edwards	Mixed	108	14	February 28, 2017	5. Ability to Serve Letter	3. Under Construction
<b>Projects Completing Construction Warranty Period</b>						
185 Elk Tract, Piedmont Apartments, Riverfront Village, Stillwater						
<b>Development Approval Process Steps:</b>	1. Connection Application	2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement	5. Ability to Serve Letter	
<b>Construction Approval Process Steps:</b>	0. Conceptual	1. Plan Review	2. Plan Approval	3. Under Construction	4. Final Acceptance	



## ERWSD New Development Report, August 2023

Project Location	Type of Use	SFEs Proposed	Additional Water Rights Required	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:
Midtown Village PUD Minturn	Mixed	42 + Com		October 13, 2022	N/A	1. Plan Review
North Minturn PUD Minturn	Residential	36		October 10, 2022	N/A	0. Conceptual
Middle Creek Lot 4,5 Vail	Mixed	64	0.72	June 28, 2022	0. Conceptual	0. Conceptual
Wolcott PUD Wolcott	Mixed	360 + Com		May 11, 2022	0. Conceptual	0. Conceptual
The Residences at Main Vail Vail	Residential	72	0.81	February 11, 2021	5. Ability to Serve Letter	4. Final Acceptance
Belden Place (1200 Block Main St) Minturn	Residential	41		December 23, 2020	N/A	2. Plan Approval
Highline (Double Tree Expansion) Vail	Residential	43.65	0.79	July 11, 2019	5. Ability to Serve Letter	2. Plan Approval
500 E Lionshead Circle - Legacy Vail	Residential	20	0.29	August 29, 2018	4. Water Rights Allocation & Service Agreement	3. Under Construction
Alura (Miradoro) Vail	Residential	10	0.83	May 29, 2018	2. Water Analysis	3. Under Construction
534 E Lionshead Circle - Elevation Vail	Residential	12	0.31	May 14, 2018	1. Connection Application	0. Conceptual
Booth Heights East Vail	Residential	TBD	TBD	August 23, 2017	1. Connection Application	0. Conceptual
Vail Marriott Residence Inn Vail	Mixed	75		November 12, 2016	5. Ability to Serve Letter	4. Final Acceptance
<b>Projects Completing Warranty Period</b>						
3010 Basingdale (Phase II), 841/851 Main St Minturn, Red Sandstone Parking Garage, VVMC Phase II-East Wing						
<b>Development Approval Process Steps:</b>	1. Connection Application	2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement	5. Ability to Serve Letter	
<b>Construction Approval Process Steps:</b>	0. Conceptual	1. Plan Review	2. Plan Approval	3. Under Construction	4. Final Acceptance	



## BOARD COMMITTEES

### DISTRICT

<i>Audit/Budget</i>	Dick Cleveland Steve Coyer
<i>Employee Housing</i>	Steve Coyer Rick Pylman
<i>Retirement Plans</i>	Bob Warner Siri Roman David Norris
<i>Organizational Development</i>	Bob Warner Dick Cleveland
<i>Water Quality</i>	Sarah Smith Hymes Timm Paxson

### AUTHORITY

<i>Audit/Budget</i>	Geoff Dreyer George Gregory
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### JOINT

<i>Rules and Regulations</i>	Kim Bell Williams (A) Bob Warner (D)
<i>Water Conservation</i>	Mike Trueblood (A) Tamra Underwood (A) Kate Burchenal (D) Steve Coyer (D)

(A) = Authority, (D) = District



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Berry Creek  
EagleVail  
Edwards  
The Town of Avon

**MEMORANDUM**

**TO:** Board of Directors  
**FROM:** Brian Thompson, Government Affairs Administrator  
**DATE:** August 18, 2023  
**RE:** Summary of Authority’s July 27, 2023, Board Meeting

The following is a summary of items discussed at the Authority’s July 27, 2023, board meeting.

Directors present and acting were Chair George Gregory, Secretary Kim Bell Williams, Treasurer Geoff Dreyer, Kevin Hillgren, and Mike Trueblood. Director Tamra Underwood was absent and excused; Alternate Director Eric Heil was present and acting in her place.

**Bolts Lake project field visit** Chair Gregory reported on the Jun. 29 joint board field visit of the Bolts Ditch diversion structure and the Bolts Lake site; Authority board attendees were Chair Gregory, Director Hillgren, Director Underwood, and Alternate Director Mike Towler.

**Quarterly financials** Jim Cannava presented the second-quarter financial report. First-half expenses and revenue are tracking to budget, with water revenue slightly under budget due to a wet June. The board will consider a \$20 million bond in October to fund upcoming capital projects.

**Wildfire preparedness** Dan Siebert reported on the District’s wildfire mitigation protocols and programs. Kristin Moseley reported on federal legislation to assist with wildfire response. The board supported the concepts of the proposed bill, which includes language consistent with what the Authority and District negotiated into the 2016 No Name and Spraddle Gulch wilderness bills.

**Rate restructure analysis** David Norris presented a proposed restructure of variable (usage) rates for *Individually Metered Residential* accounts. Per board direction, staff and members of the joint board Water Conservation committee have been evaluating the current rate structure, particularly concerning the amount of water allocated in each billing tier and the inequity of multiplying the tier allotments by the customer account’s Single Family Equivalent (SFE), which results in homes with greater than 1 SFE that use water above Tier 1 paying less per 1,000 gallons than smaller homes for the same amount of water use. As such, analysis has focused on eliminating the SFE multiplier from the usage tiers used for billing and redesigning the tier allotments with a per 1,000-gallon price to align with volumetric thresholds. The board provided direction to incorporate this approach in the FY24 budget. This proposal applies only to *Individually Metered Residential* accounts; the board will analyze *Irrigation Only* accounts in August, and remaining account types in 2024.

**Bolts Ditch federal legislation** Kristin Moseley reported on federal legislation introduced in the U.S. House and Senate that would amend the 2019 John D. Dingell, Jr. Conservation, Management, and Recreation Act to allow the District and Authority to use, maintain, and repair Bolts Ditch and its associated headgate within Holy Cross Wilderness. The Dingell Act currently applies exclusively to the Town of Minturn; this amendment is necessary to further the District and Authority’s Bolts Lake project.



## 2023 UERWA CONTRACT LOG

Contract No.	Date Executed	Change Order Signed On	Project Name	Contractor	Contract Amt.	Project Mgr.	Account No.	Status / Description
23.20.024	Pending		Cordillera West Tank 1 Rehabilitation	Black & Veatch	\$70,000.00	K. Nelson	20.1.2.00.30.301	Provide a design for tank improvements that will meet the current CDPHE design criteria and protect the tank from corrosion.



461 Railroad Ave, Unit C  
PO Box 1477  
Gypsum, Colorado 81637

970-827-5406  
[info@erwc.org](mailto:info@erwc.org)  
[erwc.org](http://erwc.org)

## Advocates for our rivers.

Eagle River Water & Sanitation District and Upper Eagle Regional Water Authority  
846 Forest Road  
Vail, CO 81657-5705

August 15, 2023

Dear Mr. Cleveland and Mr. Gregory,

On behalf of the board and staff of Eagle River Watershed Council, I'd like to thank the District and Authority for your consistent and generous support of our mission to advocate for the health of the Eagle River Watershed. Your support allows us to sustain our longstanding and science-backed water quality monitoring program along with programming to educate the local community on river stewardship and to advocate for a healthy watershed.

The Watershed Council respectfully requests the continued support of \$25,000 from both the District and Authority, for a total of \$50,000, to sustain the longstanding Water Quality Monitoring & Assessment Program. Additionally, we request the continued support of \$25,000 from both the District and Authority, for a total of \$50,000, for general operations of Eagle River Watershed Council. Below are details regarding this request. Thank you for your consideration.

### **Water Quality Monitoring & Assessment Program (WQMAP)**

Requesting \$25,000 from ERWSD and \$25,000 from UERWA

This longstanding effort results in a robust, collaborative database of information that guides the Watershed Council and other entities in the development of project priorities, identifies threats as they emerge and ensures that data collection efforts are not duplicated. Funding supports the coordination of data collectors, data analysis, annual reporting to stakeholders and the community, a shared database and the publishing of an interactive online report card offering a graphical interpretation of the data.

The overall budget for WQMAP allows for the flexibility to direct funds towards specific water quality-related issues that are unanticipated each year, may require a shorter investigative timeline or have specific equipment needs. In 2023, we launched additional temperature monitoring stations and expanded macroinvertebrate monitoring along prioritized tributaries. Past efforts have included the Black Gore Creek Data Compilation Report and the deployment of the temperature alert system in 2021.

Support for WQMAP in 2024 is anticipated from US Geological Survey, Eagle County, Homestake Partners, Climax Mine, Vail Resorts Management Company, the Towns of Gypsum, Eagle, Avon, Minturn and Vail, as well as the Colorado River Water Conservation District.



## General Administration

Requesting \$25,000 from ERWSD and \$25,000 from UERWA

These unrestricted funds are critical to support the Watershed Council mission, as they allow us to bridge gaps in programs and projects that are important to our organization and our community, but have proven to be more challenging to fund. They allow us to cast a wide reach in our community related to water through marketing, host events like our recent community science day in the Homestake Valley and bring together the county's fifth-grade students to learn about local waterways at the Eagle River Water Festival each fall.

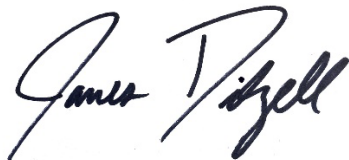
In 2024, these funds will help the Watershed Council to implement the Eagle River Community Water Plan, a multi-year planning process that is wrapping up this late fall. This plan will offer clarity for mitigating undesirable future conditions of our rivers as a community. Part of that path forward is the launch of the Eagle River Fund, an endowment fund to catalyze work by leveraging state and federal funding by stakeholder entities and the Watershed Council alike. Additionally, we will continue to build out the Beyond Lawn program that will empower the community to take action in areas of water efficiency and conservation, inspire water-efficient landscaping conversions and provide rebates for lawn conversion and irrigation upgrades.

More generally, these funds allow the Watershed Council to ensure we are well-equipped, through ongoing professional development support and adequate technology and administrative infrastructure, to maximize our time and skills to the benefit of the watershed, now and into the future.

This funding from ERWSD and UERWA is leveraged in requests to individuals, businesses, foundations and other government entities as it demonstrates that our work is critical, valid and worthy of their financial support. General administration support also comes from private foundations, Eagle County, the Town of Avon, event proceeds, local businesses, individuals and the Land & Rivers Fund. We are hopeful that this funding in 2024 will help us to leverage additional funding for capacity from Colorado Water Conservation Board.

We've got a lot of work ahead of us, and we're thrilled to have the District and Authority alongside us in ensuring the health of our watershed. Thank you for your longstanding support and for consideration of continued funding to benefit the mission of Eagle River Watershed Council and our river-centric community. Please reach out to me directly with questions at [dilzell@erwc.org](mailto:dilzell@erwc.org) or 216.509.1454.

Sincerely,

A handwritten signature in black ink that reads "James Dilzell". The signature is written in a cursive, flowing style.

James Dilzell  
Executive Director

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## MEMORANDUM

**TO:** Boards of Directors

**FROM:** David Norris, Director of Business Administration

**DATE:** August 24, 2023

**RE:** Rate Restructure Analysis: Irrigation Only accounts

**Summary:** At the Jan. 26 joint board meeting, the boards directed staff to create the water conservation program with a goal of reducing customers' overall water use by about 400 acre feet by 2026. The boards supported modifying the rate structure to address an inequity in the cost of water per 1,000 gallons that results from multiplying an account's Single Family Equivalent (SFE) by the water allotment for each billing tier. The boards further supported implementing rate changes in one year, to be effective in 2024.

**Discussion and Background:** Staff's initial focus to reduce customer water use centered on single family residential and duplex accounts ("*Individually Metered Residential*") as they are nearly 83% of all accounts. Also, the per 1,000 gallon cost disparity between homes with greater than 1 SFE, that use water above Tier 1, and 1 SFE homes that use the same amount of water, was stark.

In July, we presented an analysis of the **Individually Metered Residential** account type – one of six account types within the District and Authority's billing system. Recommendations included eliminating the SFE multiplier from the usage tiers, adjusting allotments and price in each tier, and keeping the SFE multiplier for fixed (base) rates. The boards supported the proposed rate methodology for this account type and it will be incorporated into 2024 budget planning. With budget approval, the new rate methodology will affect all 8,267 Individually Metered Residential accounts. Per the table on pg. 2, these are *82.8% of the total accounts, 37.8% of the total water SFEs, and 36.7% of total billed consumption.*

This month, we will present our analysis of the **Irrigation Only** account type, which applies exclusively to outdoor water use. Per the pg. 2 table, *Irrigation Only are 3.8% of the total accounts, 1.3% of the total water SFEs, and 8.5% of total billed consumption.* While it is a small number of overall accounts, they use a disproportionately large amount of water. As shown in the table below, there are currently three rate structures within this account type, which are confusing and inequitable; these will be fully explained at the meetings.

Rate structure	Multiplier	Key elements
<b>SIR</b> (Irrigation)	Based on meter size and assigned SFE	6,000 gallons (6 Kgal) per tier Similar to current water rates
<b>SPK</b> (Sprinkler)	Based on structure SFE	20,000 gallons (20 Kgal), Tier 1 10,000 gallons (10 Kgal), Tiers 2-4 Similar to current water rates
<b>SIC</b> (Coverage based)	Based on acres of irrigated area	67,000 gallons (67 Kgals), Tier 1-2 44 and 55 Kgals, Tiers 3-4 Similar to current water rates

Staff recommends **moving all *Irrigation Only* accounts to the "SIC, coverage based" rate structure, with adjusted allotments and prices in each tier,** and we'll focus on these impacts at the meeting.

The table below shows all accounts, by structure type, and their percentages of various totals. If the board supports the new rate methodology for *Irrigation Only* accounts, it will also be incorporated into 2024 budget planning. In combination with the changes proposed in July, there would be a new rate structure for almost 87% of all accounts in 2024. Importantly, the 87% of accounts are 39% of the total water SFEs, and 45% of total billed consumption.

The 2024 budget package would have three main water rate structures, the two mentioned above, plus one encompassing the remaining 13% of accounts, which represent more than half of the total water SFEs and total billed consumption – spread across four account types. These account types and their new potential rate structure will be analyzed in 2024 to be implemented in 2025.

#### Totals per structure type

Structure Type	# Accounts	% to total accounts	Total 2022 Billed Consumption (Kgals)	Total 2022 Billed Consumption (AF)	% to Total Billed Consumption	Opportunity per Structure Type (AF)	Total Water SFEs	% to Total SFEs
<b>Commercial</b>	367	3.68%	238,714	733	13.32%	44	2,524	8.92%
<b>Multi-Family</b>	799	8.00%	425,678	1,306	23.76%	46	10,090	35.64%
<b>Municipal</b>	65	0.65%	16,211	50	0.90%	1	437	1.54%
<b>Mixed Use</b>	105	1.05%	301,975	927	16.85%	46	4,193	14.81%
<b>Irrigation Only</b>	383	3.84%	151,372	465	8.45%	64	368	1.30%
<b>Individually Metered Residential</b>	8267	82.79%	657,707	2,018	36.71%	242	10,696	37.78%
<b>Total</b>	<b>9,986</b>	<b>100.00%</b>	<b>1,791,657</b>	<b>5,498</b>	<b>100.00%</b>	<b>443</b>	<b>28,310</b>	<b>100.00%</b>

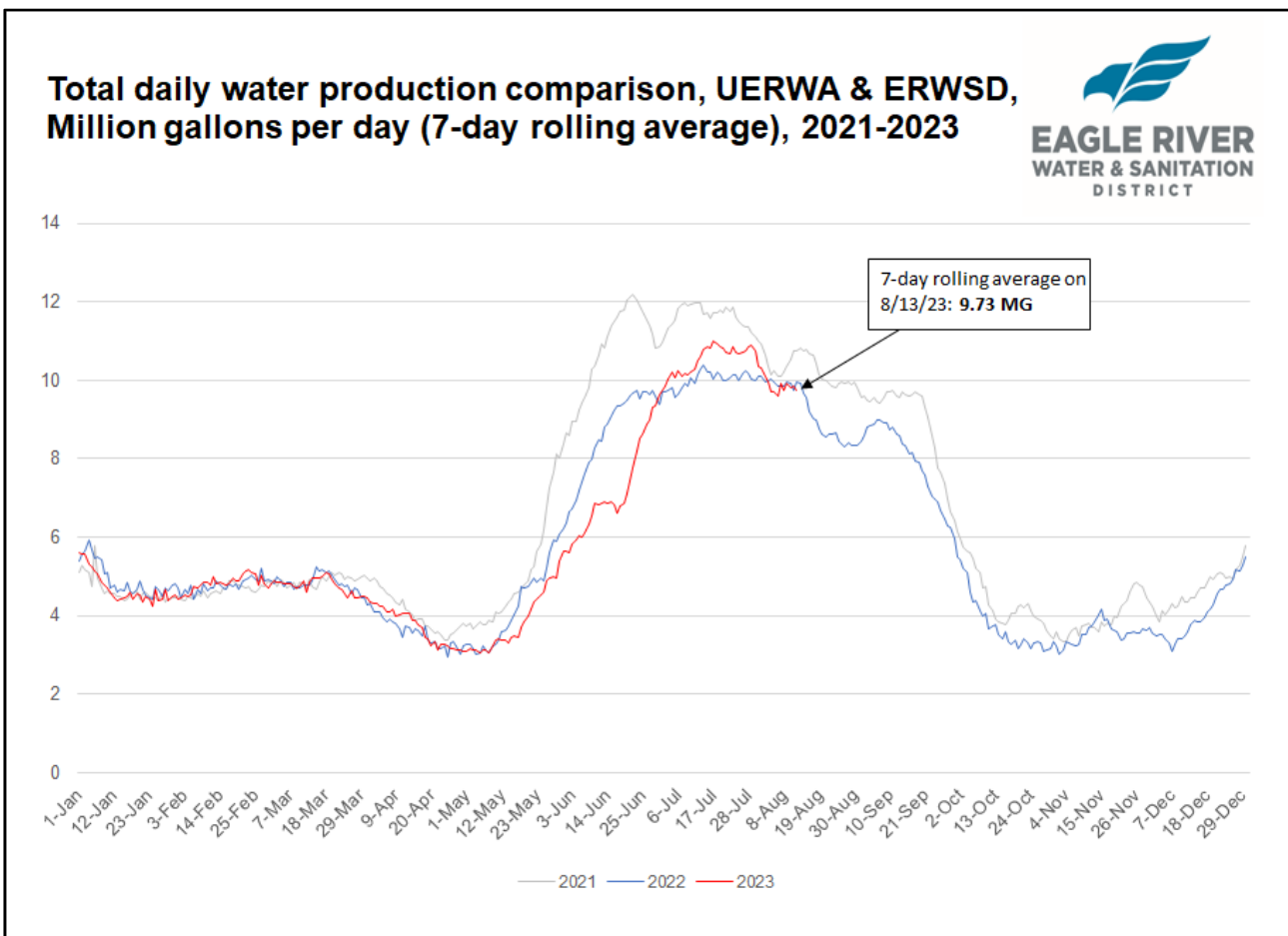


**OPERATIONS MONTHLY REPORT**  
**August 2023**

**WATER**

Brad Zachman

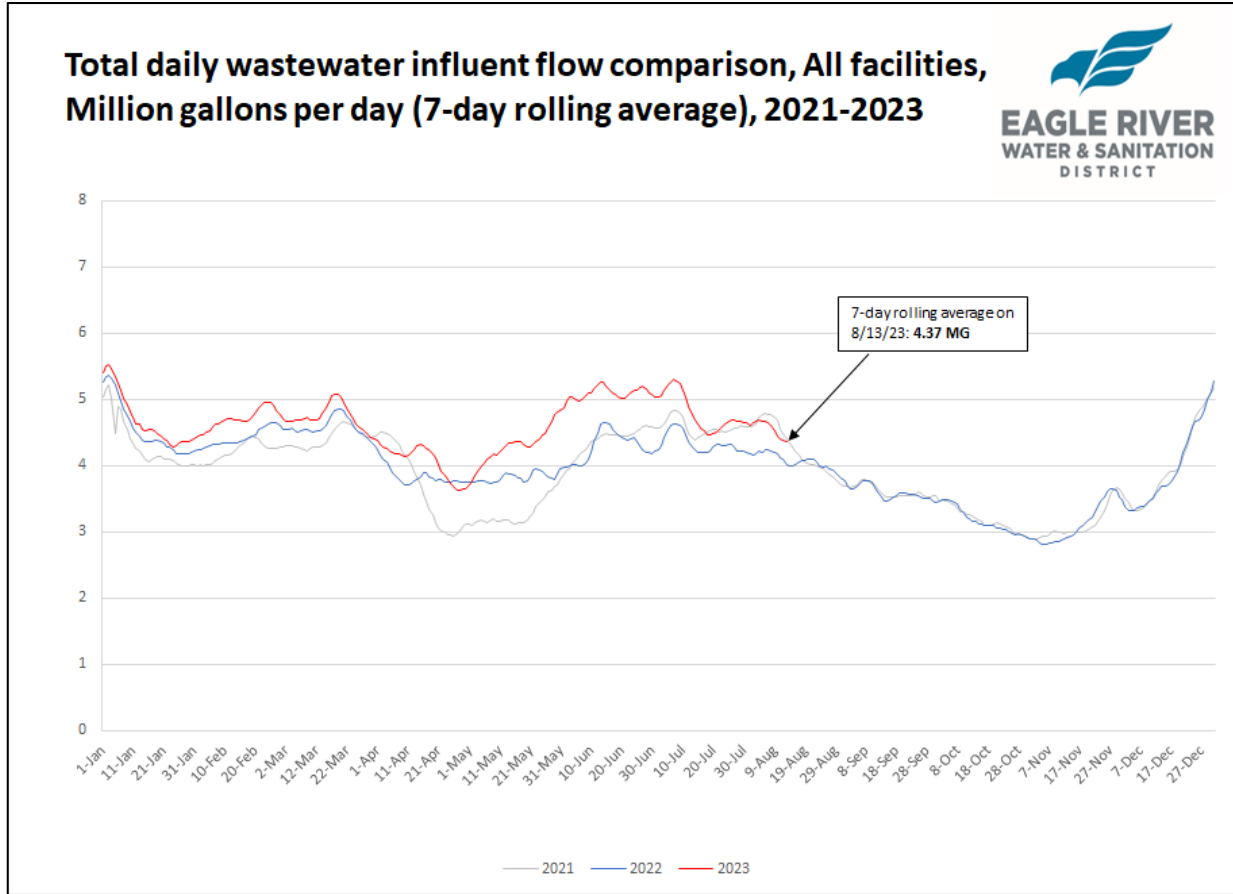
The system-wide water production comparison was updated through Aug. 13. System production is normal for this time of year.



**WASTEWATER**

Chris Giesting

Cumulative influent wastewater flow and organic loading is normal for this time of year.



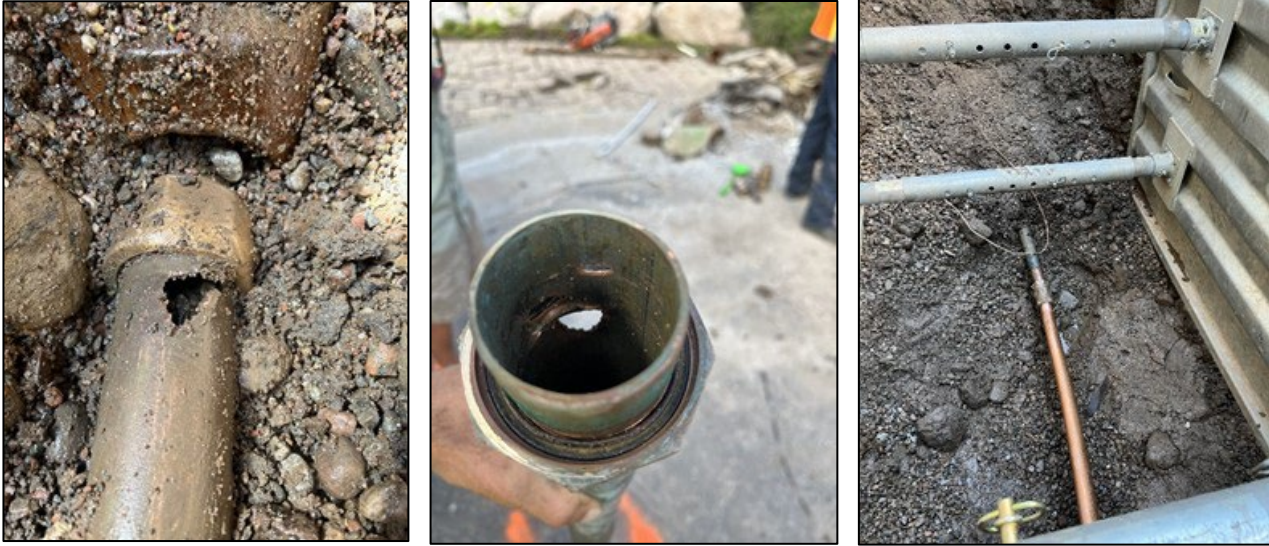
## FIELD OPERATIONS

Niko Nemcanin

On Aug. 13-14, Field Operations staff made an emergency repair to a leaking water service on West Forest Road in Vail. The cause of the leak was a hole in the service pipe on the District-side of the curb stop connection. The excavation was complex and involved careful removal of a driveway with a hydronic heating system.



*Driveway and heating system removal*



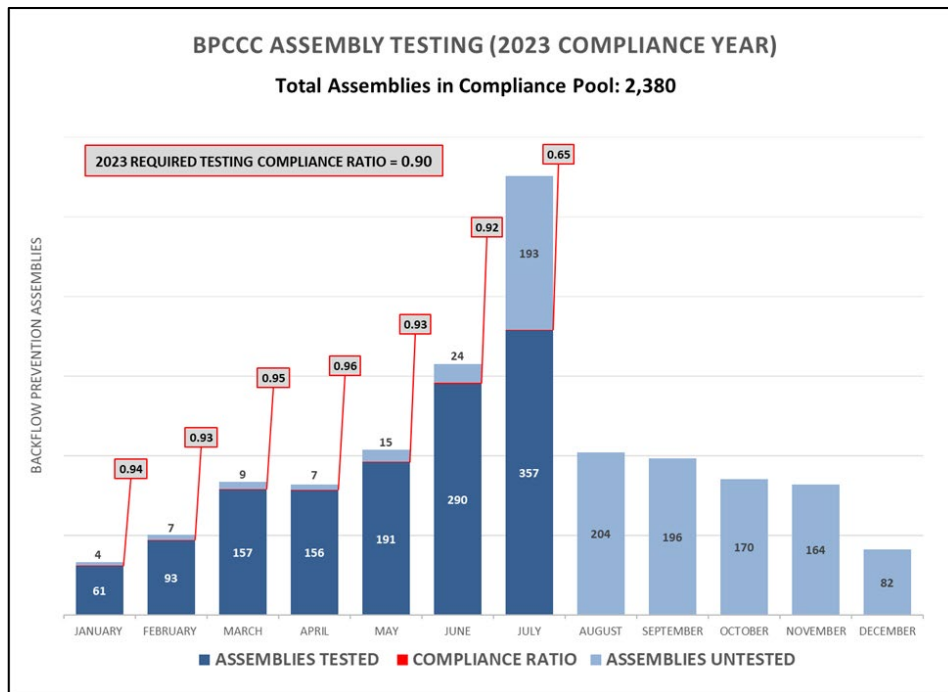
Pipe damage (left and center) and completed repair (right)

**UTILITY SERVICES**

Shane Swartwout

**BPCCC Program**

The required BPCCC assembly testing compliance ratio (0.90 or greater) has been achieved for the months of January through June. Reports are still being submitted for tests performed in July. Fines have been imposed to all customer accounts with tests that are past due (66 total assemblies). The BPCCC team is continuing to coordinate with customers to strategically have backflow prevention assemblies tested earlier in the compliance year.



## Meter Services

90% AMI conversion has been achieved in the Authority service area. The Meter Services team is currently scheduling appointments with customers to upgrade the remaining 719 non-AMI meters. A progress update is provided below.

Report Date:	8/15/2023		
<b>AMI SYSTEM STATUS</b>	<b>ERWSD</b>	<b>UERWA</b>	<b>TOTAL</b>
(1) Total No. of Meters	3204	6849	10053
(2) No. of AMI Meters	3204	6130	9334
(3) System Percentage of AMI Meters	100%	90%	95%
Meters Remaining to Reach 100% AMI	<b>0</b>	<b>719</b>	<b>719</b>
<i>Meter Services – Advanced Metering Infrastructure (AMI) Status (Updated 8-15-2023)</i>			

## Fleet and Facilities

For the 2023 season, a seasonal employee was hired to perform full-time fire mitigation work at sites throughout the entire service area. 48 sites have been completed since June 22 (12 in the District and 36 in the Authority). The addition of a seasonal employee that has been entirely focused on fire mitigation efforts has noticeably improved the District's overall wildfire preparedness program and improved the day-to-day efficiency of the other operation teams.

### ENGINEERING

Jeff Schneider

## WATER PROJECTS

### Fenno Wellhouse and Raw Water Conveyance

Carter Keller

General Project Scope: The project includes a complete replacement of a treatment facility in Cordillera that treats water from seven groundwater wells. The previous facility did not meet electrical code, had safety concerns, and was generally at the end of its useful life. The new treatment facility was completed in 2022. The current focus of this project is to assess and rehabilitate the aging wells and raw water conveyance piping that serve the new facility.

Project Update: The project team completed installation of a new pump, motor, and drop pipe in Fenno Well F1. The well casing and equipment at Fenno Well F2 are scheduled to be inspected the week of Aug. 14.

## Avon Drinking Water Facility (ADWF) PLC Upgrades

Jenna Beirsto

General Project Scope: This project includes replacement of the programmable logic controllers (PLCs) at ADWF. Additionally, a new server room will be constructed within the facility. All existing programming and PLC logic will be reverse-engineered and updated to meet current District standards.

Project Update: The server room construction is substantially complete. The new Information Technology (IT) networking server racks have been delivered to the site and technicians are scheduled to assemble the uninterruptible power supply (UPS) in mid-September. Factory acceptance testing (FAT) of the PLC programming has continued and will be completed by the end of September. Roof replacement will begin early in September. Planning for the month-long ADWF facility shutdown (Oct. 9 – Nov. 9) has started.



*New IT server racks at ADWF*

## Water Production and Treatment Masterplan

Jenna Beirsto

General Project Scope: The masterplan will be a wholistic look at all production and treatment facilities system-wide including treatment plants and wells. The goal is to identify future capital project priorities. The project will include a detailed condition assessment of existing assets and will evaluate treatment and production threats from climate change, low stream flows, wildfires, etc.

Project Update: The engineering consultant submitted draft versions of Chapters 2, 3 and 4 of the master plan report, which satisfied the deliverable requirements for the first phase of the project. The District's internal project team has opted to not execute the second phase of the consultant's contract and the remaining work will be performed in-house by the CIP and operations teams.



**North Frontage Road Watermain Improvements**

Kevin Nelson

General Project Scope: This project involves construction of approximately 700 linear feet of 10-inch diameter water main from the Residences at Main Gore (near the main Vail roundabout) to the culvert crossing at Middle Creek.

Project Update: All required CDOT and Town of Vail permits have been issued. The contractor mobilized to the site on Aug. 7. Excavation and pipeline construction work has started.

**Wildridge BPS, PRV, and Tank Improvements**

Carter Keller

General Project Scope: This project addresses high priority recommendations from the 2020 Distribution System Master Plan and involves improvements to the pumping, storage, and pressure regulating facilities in the Wildridge service area. The scope includes mechanical, electrical, structural, architectural, and electrical improvements at multiple sites, including installation of an on-site emergency generator at Wildridge Booster Pump Station 1.

Project Update: Weekly construction coordination meetings have started, and submittal reviews are underway. Construction is scheduled to begin in September.

**WASTEWATER PROJECTS**

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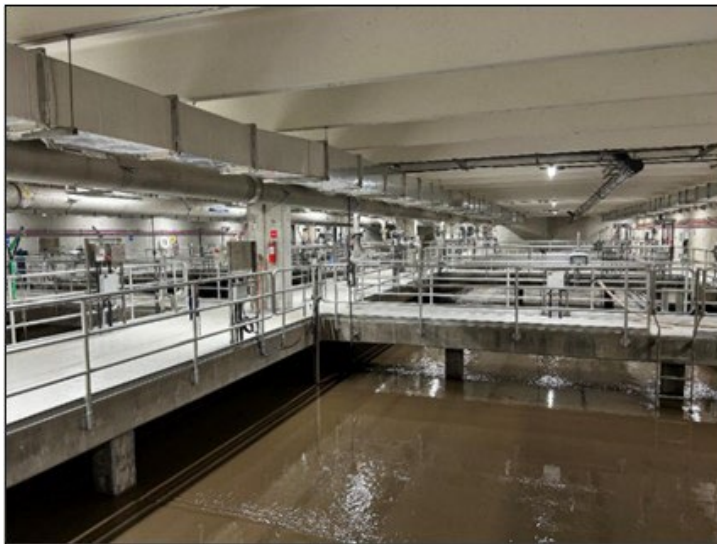
**Avon Wastewater Treatment Facility (AWW) Nutrient Upgrades** Jeff Schneider/Jenna Bearsto

General Project Scope: The AWW requires upgrades to meet Regulation 85, which requires a reduction of the concentrations of nitrogen and phosphorus in the effluent. The scope of this project includes: addition of 0.6 million gallons of aeration basin capacity, installation of a new secondary clarifier, structural modifications to the existing aeration basins to remove the existing double-tees and replace with a building structure, installation of a new odor control study and system, and other improvements throughout the facility. This project also includes improvements identified in a 2017 condition assessment in process areas throughout the facility.

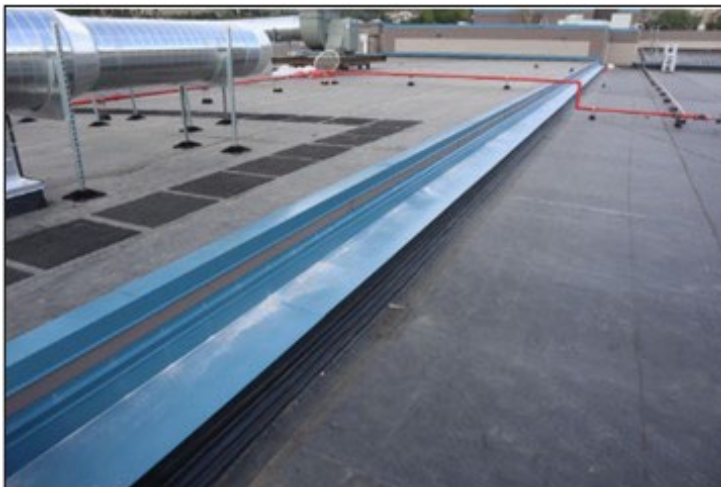
Project Update: The electricians and mechanical contractors are currently working to install the new exhaust fans, air handling units, and ducts. A damaged duct is scheduled to be replaced the week of Aug. 28. Roofing parapets have been installed between the east secondary clarifier, the aeration basin, and the west secondary clarifier building. The roof gutter system installation is nearly complete on the south side of the secondary clarifier building. Traffic bollards were installed and painted around the site. New sidewalks were placed near the front entry. The front gate was painted to match the adjacent fencing. The new sign at the front entrance was installed. The general and electrical contractors have started demobilization activities, including cleanup of the warehouse that was used for storage during construction. Completion of final punch list items is underway.



*Front entry sidewalk, traffic bollards, and painted fence*



*Aeration basin final punch list work*



*Roof parapet flashing installation*

## Dowd Junction Collection System Improvements

Jenna Beairsto

General Project Scope: The project consists of four major infrastructure improvements: the aerial interceptor crossing at Dowd Junction; Lift Station 4, which conveys all of Minturn's wastewater; the aerial interceptor crossing at the Minturn Road bridge; and the force main downstream of Lift Station 4. The new infrastructure will be sized to accommodate future growth in the service area, most notably the Minturn area.

Project Update: The contractor completed initial installation of the new force mains. One of the new force mains was temporarily tied-in to the existing lift station to allow the existing force main to be abandoned. Work has started on the trail construction adjacent to, and over, the new force mains. The installation of structural steel is complete at the new lift station and roofing installation is underway. Mechanical process work is scheduled to begin the week of Aug. 14. Control panel programming and factory acceptance testing (FAT) is scheduled for Aug. 17.



*Construction progress at new lift station*



*Demolition of the old gravity sewer line (prior to trail construction)*

## Avon Lab Improvements

Carter Keller

General Project Scope: The overall objective of this project is to install a new inductively coupled plasma mass spectrometer (ICP-MS) in the lab at the Avon Wastewater Facility. The new instrument will enable District staff to perform metals analyses in-house. Lab and architectural modifications will be completed, including installation of a new gas cabinet, duct chase, and fume hood. Additionally, the makeup air unit (MAU) that serves the lab and the HVAC system for the lab and lab offices will be replaced.

Project Update: The project is in the final stages of construction. Startup and commissioning of laboratory equipment is scheduled for Aug. 21-24. Final testing and balancing of the HVAC equipment will be performed after the lab equipment commissioning is completed.



*Exhaust fan installation for new lab equipment.*

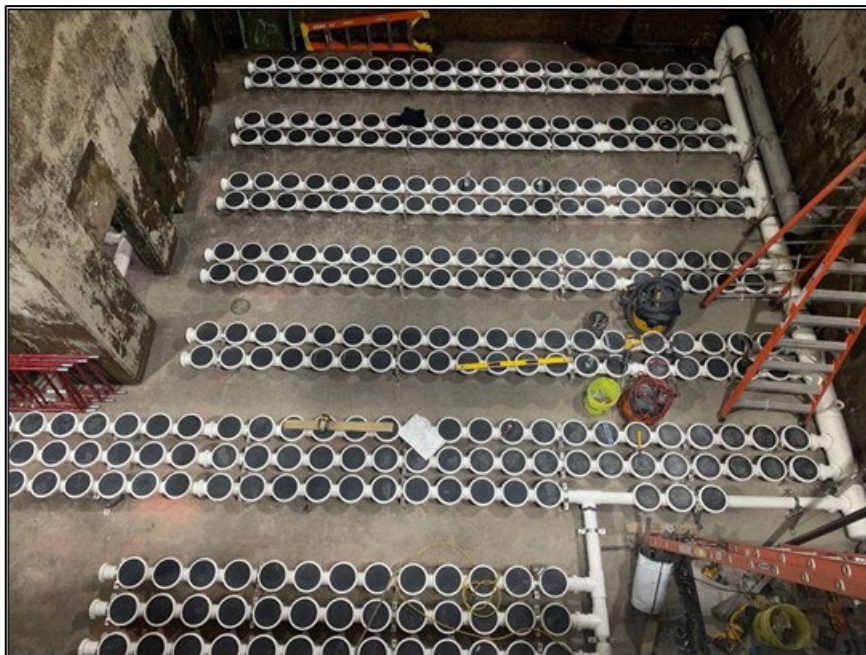
## Vail Wastewater Treatment Facility (VWW) Master Plan Improvements

Mark Mantua

General Project Scope: A condition assessment of the VWW was conducted as part of the 2017 wastewater masterplan. The assessment identified several critical upgrades that are required to keep the facility in reliable and operable condition. The scope of this project includes installation of a new, larger diesel generator, structural repairs in the aeration basin, equalization, and clarifier rooms, replacement of the aging ultraviolet (UV) system, and construction and installation of an external facility bypass.

Project Update: New actuated valves were installed to control airflow to the aeration basins and the new aeration diffusers have been installed in Aeration Basin #3. Startup testing is scheduled for Aug. 18. During installation of the diffusers in Aeration Basin #3, the project team inspected the mixed liquor transfer pipe (that runs along the bottom of the basin) and found it to be badly corroded. Additional investigative work, including video inspection and nondestructive pipe testing,

is currently being planned. The Parshall flume on the new sanitary sewer bypass line was backfilled and the remainder bypass pipe installation work is underway, including installation of the new flow control vault. During demolition of the roof structure, structural engineers identified unanticipated deficiencies and repairs are underway. Demolition and replacement of the office entry front plaza has started. Installation of new concrete is expected to begin in late-August. Installation of the electrical service for the new UV system has started and electrical ductbank excavation has resumed in the lower parking lot. The ductbank connects the new generator and new automatic transfer switch.



*New aeration basin diffusers*

### **Wastewater Master Plan**

Madeleine Harris

General Project Scope: This Master Plan update will inform the scope and scale of the design for the upcoming Edwards Wastewater Treatment Facility (EWW) Nutrient Upgrades Project, which will be required to meet upcoming Regulation 85 nitrogen and phosphorous nutrient limits, as well as provide additional volume to meet existing rated capacity.

Project Update: The project team is currently reviewing the preliminary secondary treatment expansion options and follow-up meetings will be held to review the assumptions used for the basis of design.

### **Gore Valley Trail Repair**

Mark Mantua

General Project Scope: The Town of Vail operates and maintains the Gore Valley Trail (GVT) from Dowd Junction to East Vail. The District owns and maintains an 18-inch sanitary sewer interceptor main that is located beneath the GVT near Dowd Junction. In many areas, the GVT is supported by a vertical retaining wall with steep embankment slopes down to Gore Creek. In 2010, Gore Creek experienced high streamflow, which resulted in embankment erosion that exposed the

District's sanitary sewer main. Temporary repairs have previously been attempted, including rebuilding and grouting the retaining wall. However, in 2019 high stream flow in Gore Creek once again caused subsidence in the gravel shoulder of the GVT. This project involves streambank improvements to permanently restabilize the embankments.

Project Update: A pre-construction meeting was held on Aug. 11 to discuss construction schedule and contractor mobilization. Permits are currently being finalized with Eagle County. The Town of Vail is working to update the 2019 intergovernmental cost sharing agreement between the Town of Vail and the District. The contractor has begun acquiring large boulders needed for the streambank improvements. Construction work is expected to begin in late-August.

## **GENERAL CAPITAL**

### **Vail Administration Bathroom Renovations**

Jenna Beirsto

General Project Scope: The District will be renovating all six of the restrooms at the Vail Administration Building. The project focuses on replacing existing fixtures with high efficiency, low-flow devices. The work will be phased to keep restrooms open for people working out of the facilities.

Project Update: All six bathrooms are substantially complete. Punch list work is ongoing. All work will be completed up by the end of August.



*New cabinets, mirrors, and light fixtures in bathroom near Customer Service*



## M E M O R A N D U M

**TO:** District and Authority Boards of Directors

**FROM:** Jason Cowles, P.E. and Justin Hildreth, P.E.

**DATE:** August 16, 2023

**RE:** Engineering & Water Resources Report

### Conditional Capacity to Serve Letter Requests

We have received several new water service requests within the Authority that I wanted to call to your attention. Each project will be required to pay a deposit of 25% of the water rights dedication amount per the most recent water dedication policy before a conditional capacity to serve letter is issued. The Margaux PUD is requesting a new letter because their initial letter had expired. The water needed for this project was included in our modeling. The available sources of water for the remaining projects include 14.1 acre-feet that had been previously allocated to the Mountain Hive project in Edwards in our modeling which has since withdrawn it's Eagle County land use application, the 25 acre-feet of option water from the District, and the 87.4 acre-feet of water dedicated by Eagle County for affordable housing projects. The new projects and their estimated augmentation requirements are listed in Table 1. The new augmentation requirement for the projects that were not included in our modeling is 4.86 acre feet. We are also in the process of evaluating water dedication requirements for the development of up to 700 residential units and 55,000 SF of commercial on State Land Board property near Eagle-Vail. Our preliminary estimate of the augmentation requirement for the development is approximately 15 acre feet.

Project (Location)	Type of Use	SFEs Proposed	Augmentation Requirement
115 Carterville Rd (Edwards)	Residential	2	0.25 AF
Cairn's Townhomes (Edwards)	Residential	12	1.16 AF
Eagle County – Freedom Park Project (Edwards)	Mixed	20 + 16,000 SF Commercial	3.28 AF
Eagle River Presbyterian Church Housing (Eagle-Vail)	Residential	2	0.17 AF
Margaux PUD (Edwards)	Residential	32	3.56 AF

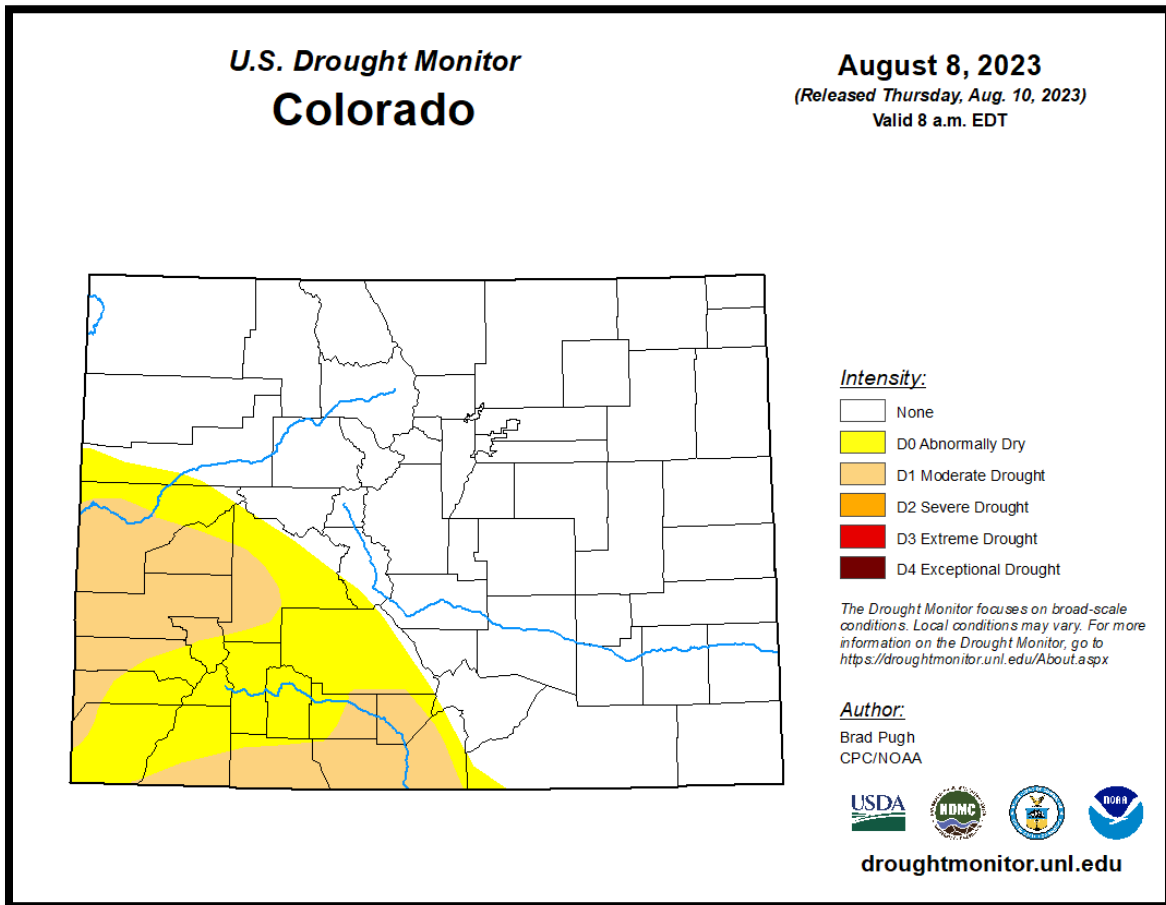
**Water Resources Report**

**Justin Hildreth**

Drought Conditions

August 8, 2023, U. S. Drought Monitor is unchanged from July and categorizes Eagle County along with north and east Colorado as not in a drought condition. The southwest portion of the state is classified as abnormally dry or moderate drought because of a lack of summer monsoon storms tacking in that region.

Figure 1. U.S. Drought Monitor – Colorado. August 8, 2023 (National Drought Mitigation Center)





Temperature and Precipitation Forecasts

Figures 2 and 3 show the current 8-to-14-day temperature and precipitation outlooks. The near-term modeling indicates that in the next 2 weeks, both the temperatures and precipitation will be leaning above normal. The seasonal 3-month temperature and precipitation outlooks, which are less accurate, indicate that temperature will likely be above average and precipitation leaning below average.

Figure 2: 8-14 Day Temperature Outlook August 13, 2023 (NOAA Climate Prediction Center)

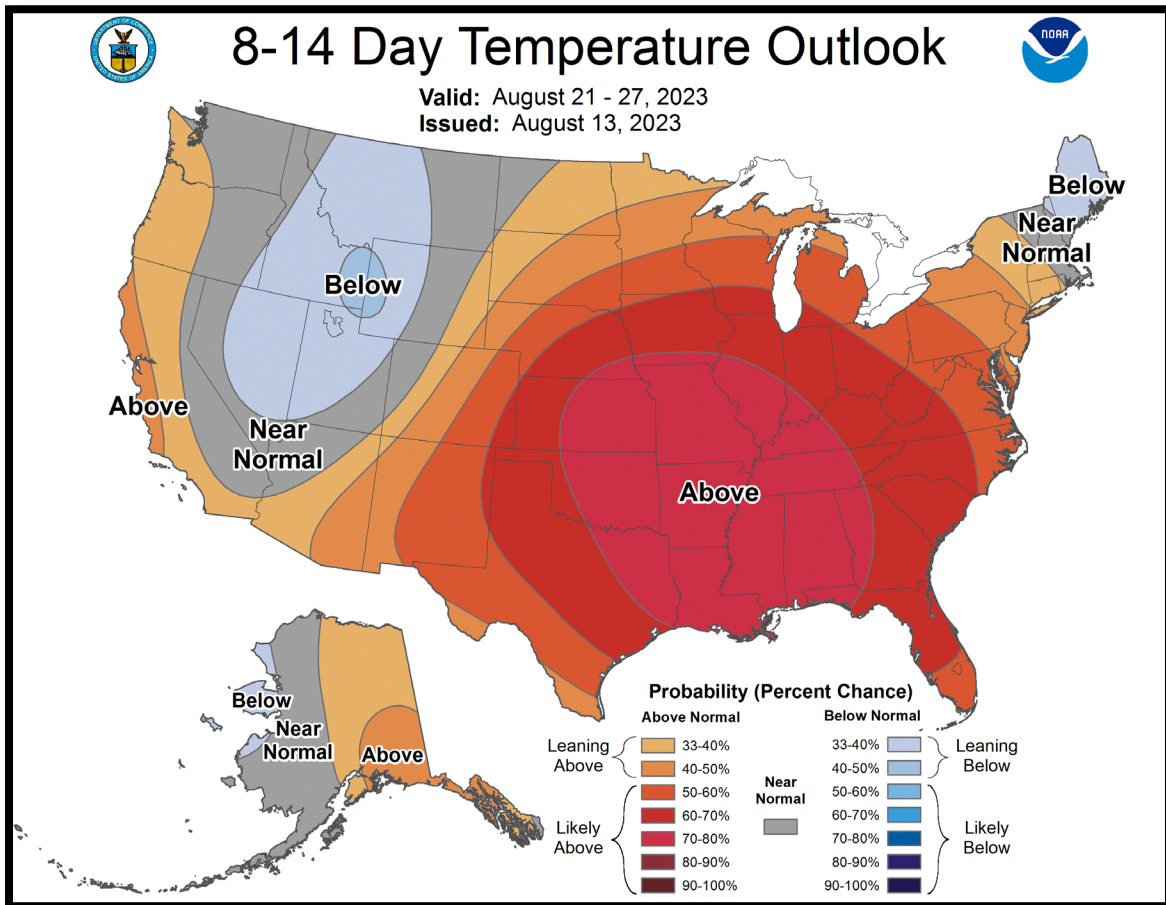
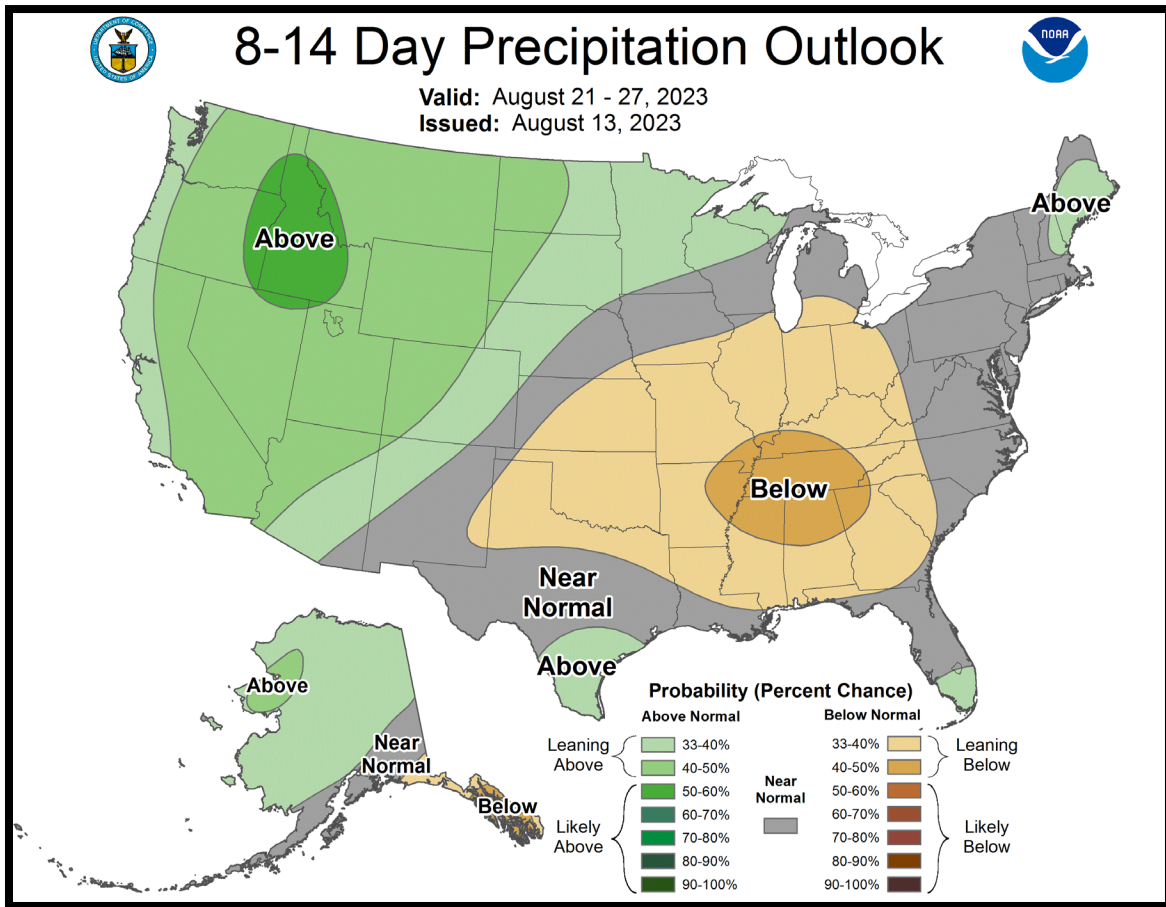


Figure 3: 8-14 Day Precipitation Outlook August 13, 2023 (NOAA Climate Prediction Center)



Precipitation Conditions

Figures 4 and 5 show the cumulative water year-to-date precipitation at Vail Mountain and Fremont Pass respectively. As of July 17, 2023, Vail Mountain has 27.3” of accumulated precipitation for the water year, 4.1” below the median. Fremont Pass has 23.4” of accumulated precipitation for the water year, 2.2” below the median. The precipitation deficit is because the summer monsoon season has been abnormally dry, and the only significant precipitation occurred in the first week of August.

Figure 4: Accumulated Precipitation at Vail Mountain SNOTEL station, August 14, 2023 (USDA)

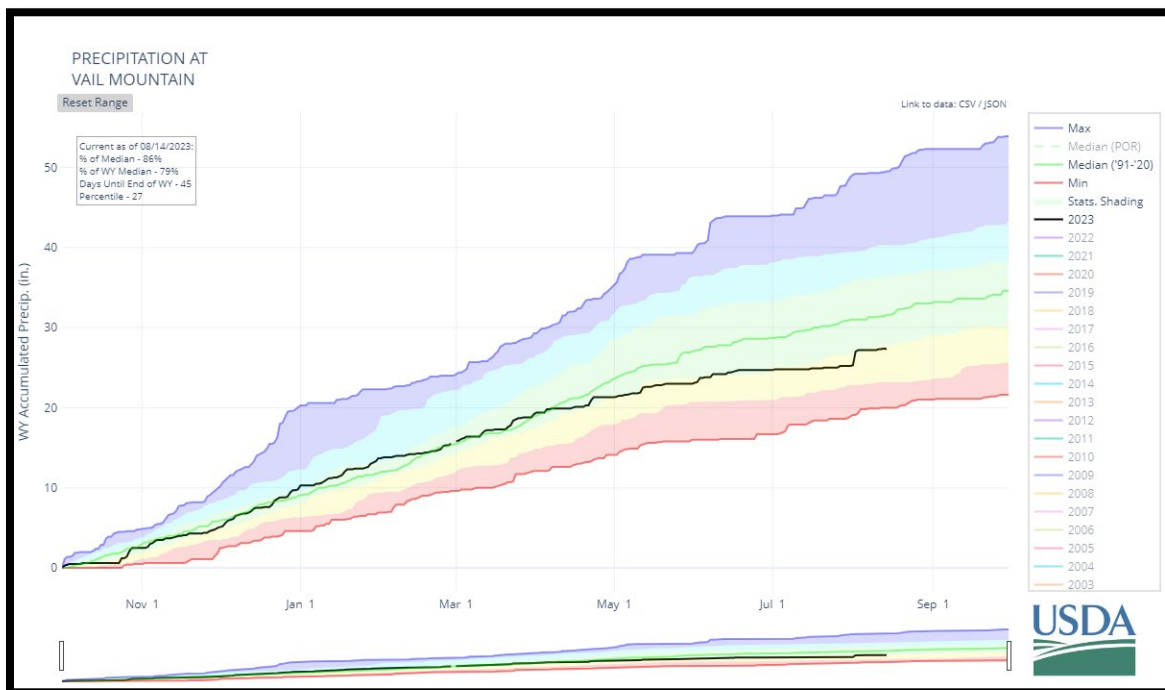
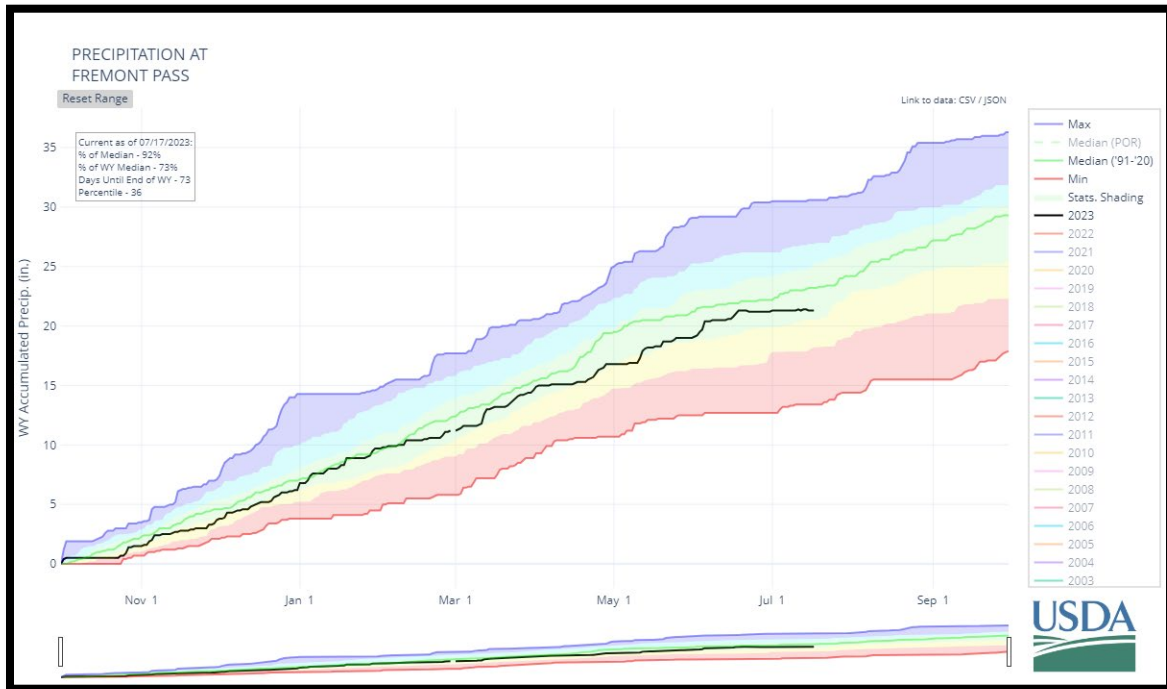


Figure 5: Accumulated Precipitation at Fremont Pass SNOTEL station, August 14, 2023 (USDA)



Streamflow

Figures 6, 7, and 8 show the National Weather Service Colorado Basin River Forecast Center hydrographs for Gore Creek above Red Sandstone Creek, Eagle River at Avon, and Colorado River below Dotsero respectively. As expected for this time of year, streamflows in the Eagle River and Gore Creek are trending down and are slightly above the median for this time of year. The Colorado River below Dotsero was above the median and is now trending below the median probably because of upstream transmountain diversions.

Figure 6: August 14, 2023, Gore Creek above Red Sandstone Creek Forecast Hydrograph, National Weather Service.

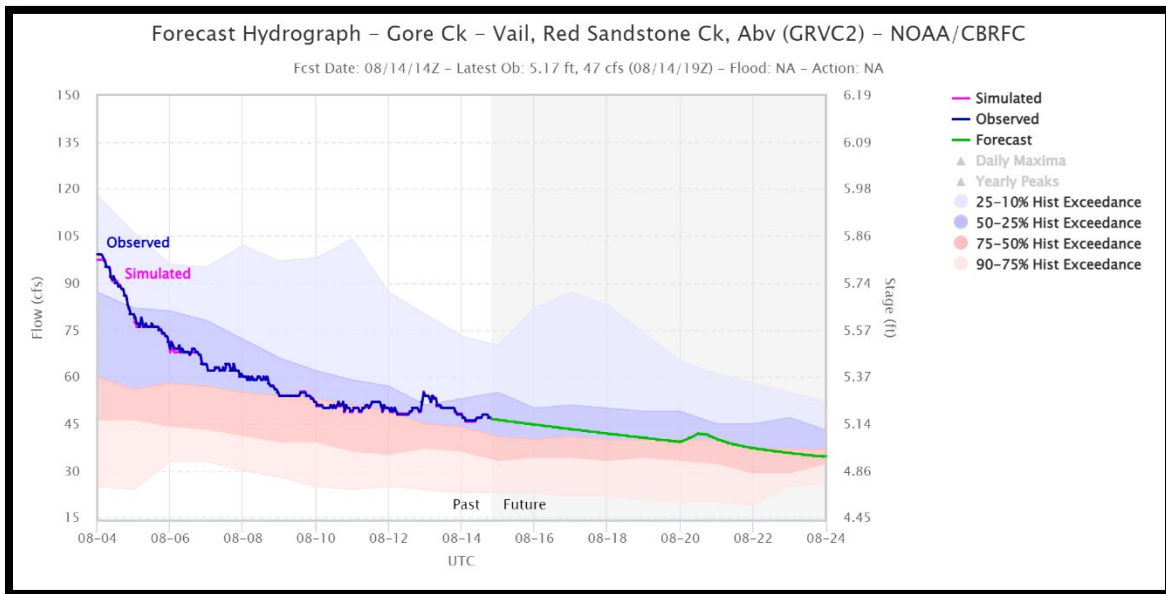


Figure 7: August 14, 2023, Eagle River at Avon Forecast Hydrograph, National Weather Service.

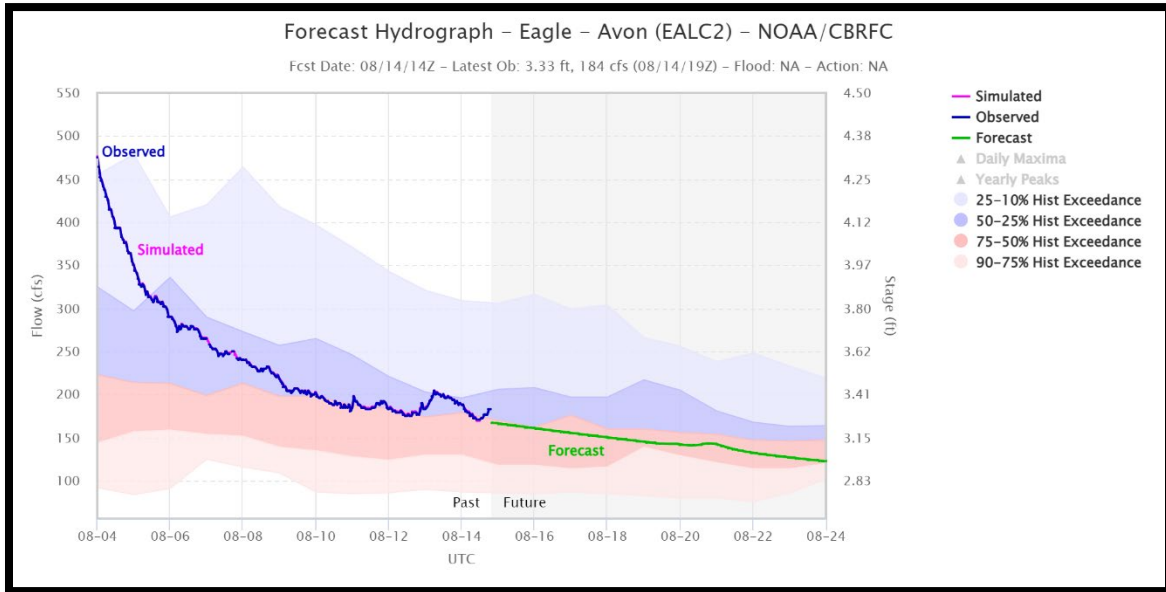
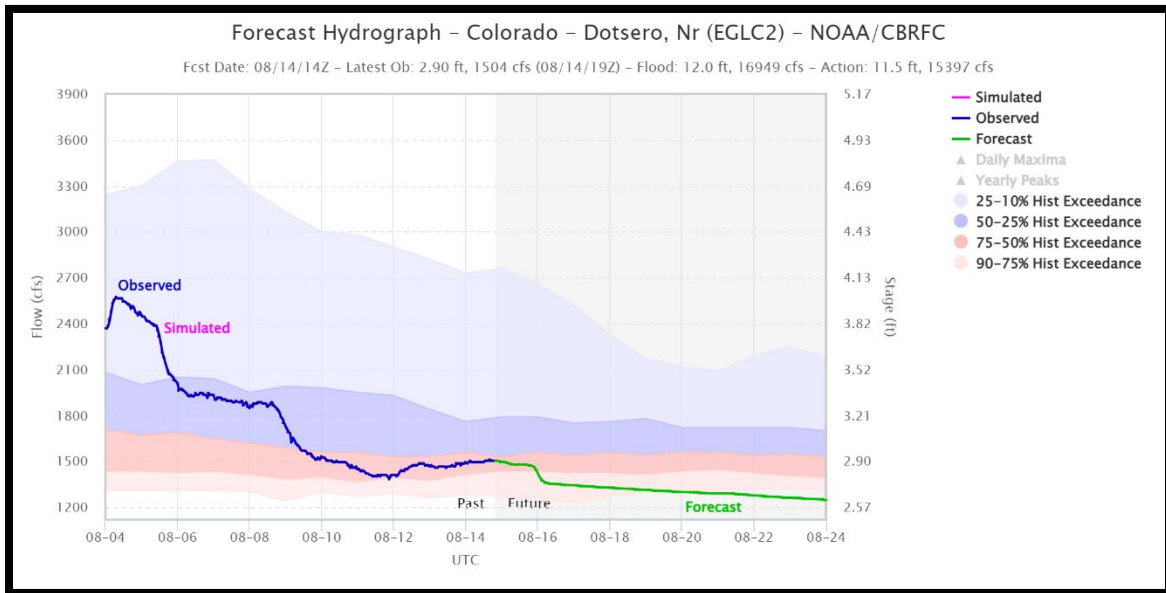


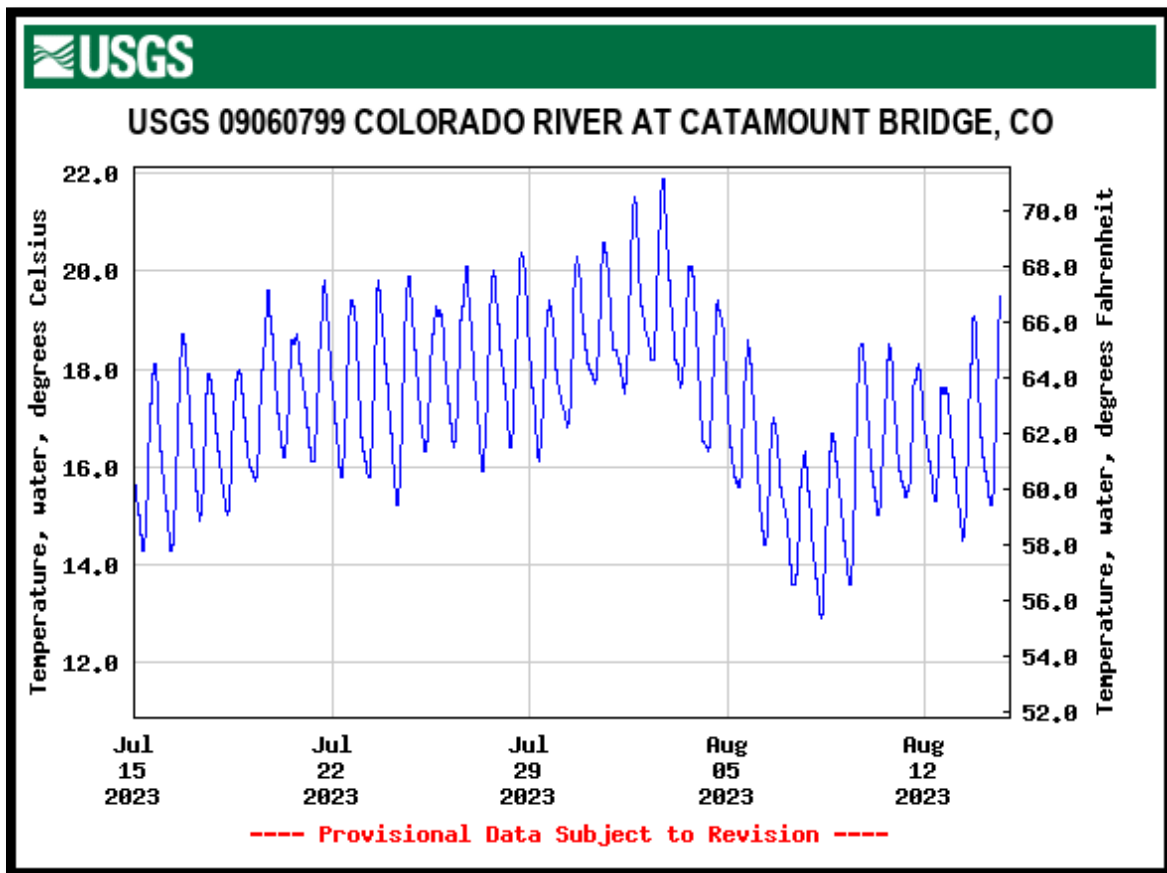
Figure 8: August 14, 2023, Colorado River at Dotsero Forecast Hydrograph, National Weather Service.



River Temperatures

Figure 9 shows that daytime high-water temperatures on the Colorado River at Catamount fluctuated in the upper 60s and peaked at 71 degrees Fahrenheit. The Catamount station is located in Eagle County between the unincorporated communities of Burns and McCoy. The water temperature trends are about 4 degrees lower than in 2022. The daytime high-water temperatures on the Eagle River below Milk Creek fluctuated in the low 60s and peaked at 68 Degrees, about 10 degrees lower than in 2022. The lower temperatures are because of the higher flows in the Colorado and Eagle Rivers and as a result, there were no fishing closures in 2023.

Figure 9: Colorado River at Catamount Bridge river temperatures (USGS)







Reservoir Volumes

Table 1 summarizes the reservoir storage accounts and demonstrates that the reservoirs are nearly full and expected to meet the District’s and Authority’s needs for 2023.

Table 1: District and Authority storage accounts for August 1, 2023 (Helton and Williamsen).

August 1 2023 Volumes in Storage (acre-feet) and Percentages of Full:						
Reservoir	ERWSD		UERWA		Total	
Green Mountain	934	100%	548	100%	1482	100%
Black Lakes	425	100%	300	100%	425	100%
Eagle Park	430.39	99%	583.45	86%	1013.85	91%
Homestake Res	250	100%	256.50	100%	506.50	100%
Wolford Mtn	500	100%	710.80	100%	1210.80	100%

\*Homestake Year is currently set as July 1-June 30.

Lake Powell

The U.S. Bureau of Reclamation (USBR) data for Lake Powell (Figure 11) indicates the reservoir levels have increased 55 feet since April. USBR predicts that the reservoir levels will be 10 feet lower in the next 10 months because of releases and evaporation. Lake Powell currently is at 37% of capacity with 9,095,000 acre-feet in storage and a total capacity of 24,323,000 acre-feet (Figure 12).

Figure 11: Lake Powell End of Month Elevations (U.S. Bureau of Reclamation)

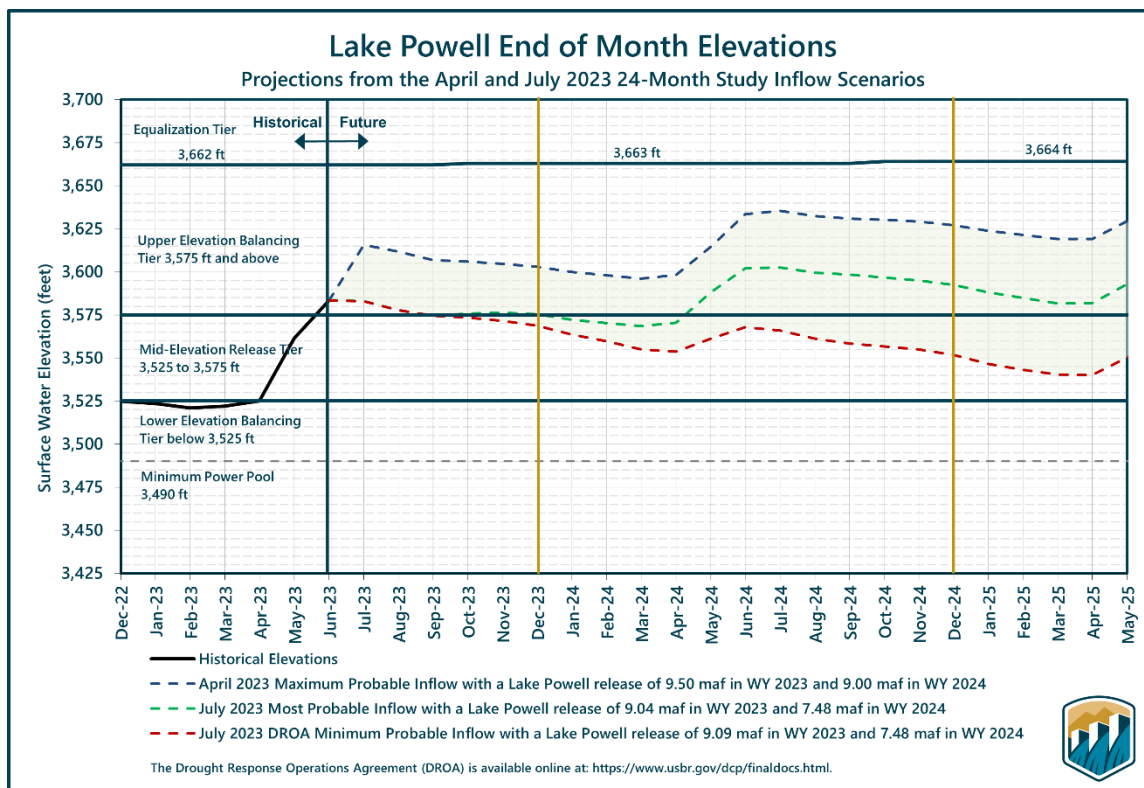
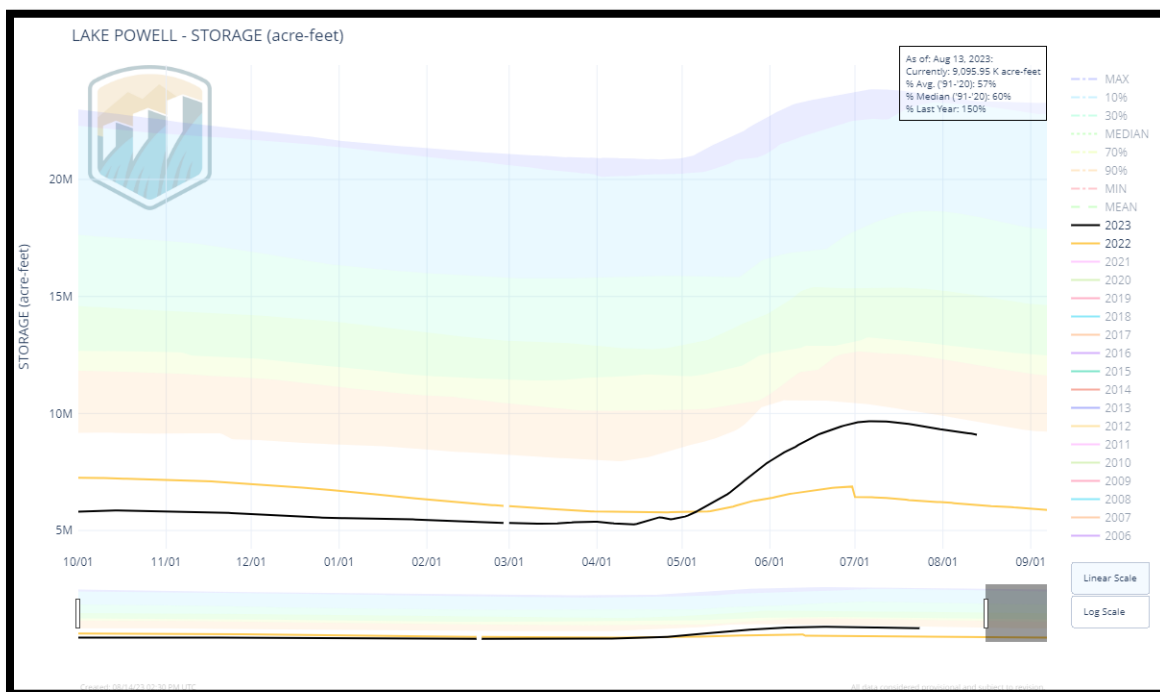


Figure 12: August 14, 2023, Lake Powell Storage in acre-feet (USBR)



### El Nino – Southern Oscillation (ENSO) Forecast

The NOAA Climate Prediction Center winter 2023-2024 forecast using the North American Multi-Model Ensemble system indicates that there is a 95% chance of moderate to strong El Niño conditions (Figure 13). The forecast draws upon several climate models that evaluate oceanic and atmospheric temperature circulation patterns and determines the probability of El Niño and La Niña events. The NOAA defines El Niño as above-average sea surface temperatures across the central and eastern Pacific Ocean.

El Niño conditions indicate a more active and unsettled winter pattern over the southern United States and the southern and central Rockies. Statistically, northeast Colorado receives higher than average precipitation for winters with El Niño conditions. The northern and central mountains experience near to even slightly below average precipitation due to drier and weaker northwest flow aloft. As per the NOAA Climate Prediction Center models, southern Colorado should receive above-average precipitation, while northern Colorado should receive average to slightly above precipitation (Figure 14).

Figure 13: NOAA Climate Prediction Center ENSO Probabilities

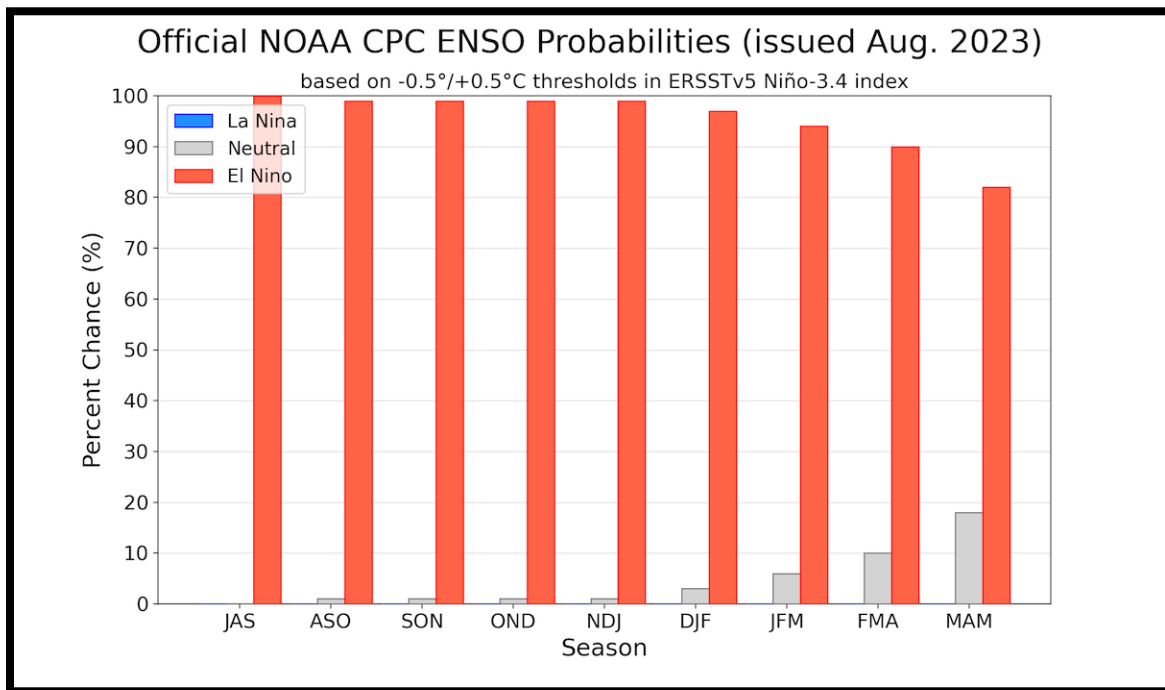
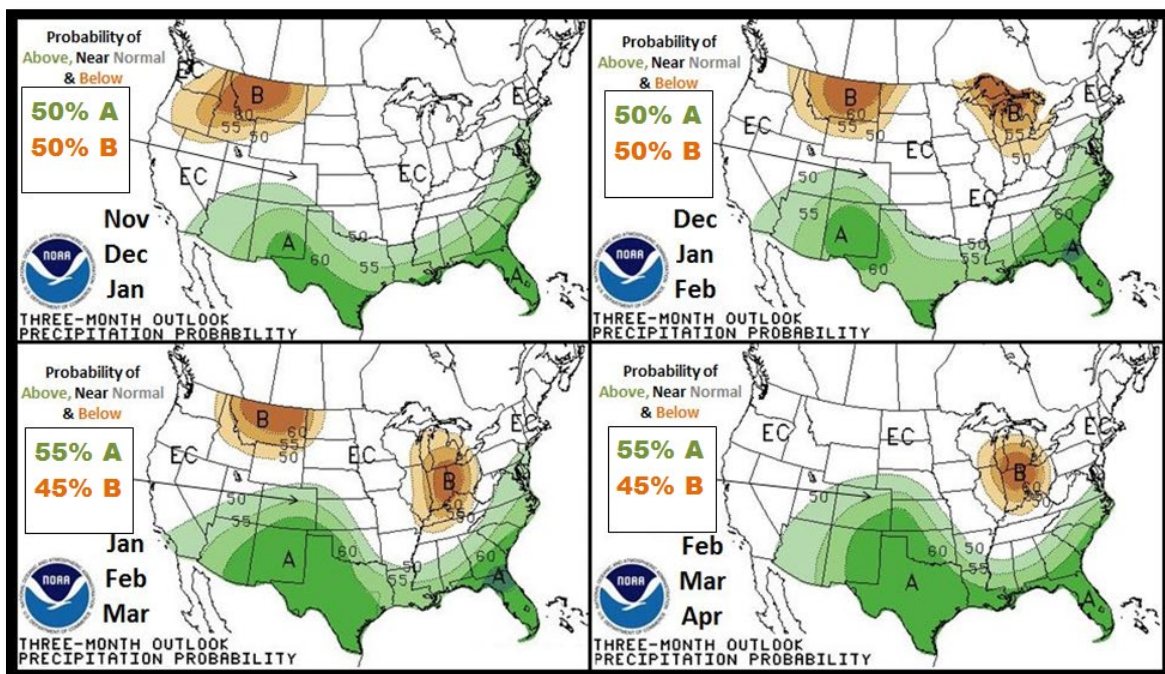


Figure 14: NOAA Climate Prediction Center precipitation probabilities for winter 2023-2024





### MEMORANDUM

**TO:** District and Authority Boards of Directors

**FROM:** Tim Friday

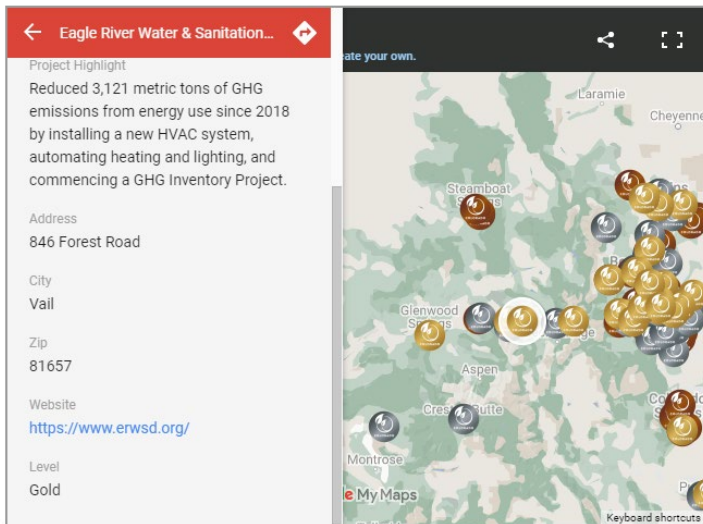
**DATE:** August 16, 2023

**RE:** Colorado Green Business Network Gold Level Status

The Eagle River Water & Sanitation District achieved gold level status on August 14, 2023, under the [Colorado Green Business Network](#) program after completing the requirements set by the Colorado Department of Public Health & Environment (CDPHE). This achievement became official on this date after a successful site visit by a CDPHE representative (Alyssia Chinda). The main accomplishments behind this achievement are reducing greenhouse gas (GHG) emissions by 3,121 metric tons over the past five years, increasing waste diversions from 28% to 46% over the same 5-year period, installing a new HVAC system in the Vail Administration Office, automating heating and lighting systems at various locations, participating in Holy Cross Energy's Peak Time Payback program, and commencing a GHG inventory. In addition, ERWSD was recognized for having a progressive sustainability education program for its employees. Kira Koppel, Sustainability Specialist for the District, has been the driving force behind the sustainability program and has made numerous contributions across the organization in sustainable practices.

ERWSD is one of many organizations in Colorado who participate in the CGBN program, and we now are highlighted as a gold certified green business.

### Where are our businesses?



**Gold (100 Points):** Recognizes organizations who excel at sustainable operations in their sector. They have implemented large scale changes to their organization to reduce resource use and emphasize sustainability throughout the organization.

**Silver (50 Points):** Recognizes organizations who have begun to integrate sustainability into multiple aspects of their organization with regard to both policy decisions and completed efficiency upgrades.

**Bronze (25 Points):** Recognizes organizations that have begun to take strides in implementing sustainability into daily operations, and have started to see tangible reductions in resource use as a result. This level of recognition does not require year over year data tracking.

**The Support Level:** To get technical assistance and support, organizations only need to register in GreenBizTracker. No additional application or evaluation is required, and we work with businesses year round! **This does not include recognition.**

Recognition does require annual metrics updates through GreenBizTracker.

**Recognition applications & metrics updates are due June 30th each year.**

Late applications will not be accepted, and failure to provide metrics updates will result in a lapsed membership.



Green Business Network  
COLORADO

Clean Water. Quality Life.™

846 Forest Road Vail, Colorado 81657 Tel (970) 476-7480 Fax (970) 476-4089 erwsd.org



Green Business  
Network Certified  
**GOLD MEMBER**

Kira Koppel accompanies Alyssia Chinda of CDPHE on a site tour to see some of the sustainable business practices in action around the District.



Kira shows off some of the District's EV fleet and a charging station with enthusiasm during the site tour on August 14.

**Clean Water. Quality Life.™**



## MEMORANDUM

**TO:** Boards of Directors  
**FROM:** Diane Johnson, Communications & Public Affairs Manager  
**DATE:** August 24, 2023  
**RE:** Communications and Public Affairs Report

### Colorado River Drought Task Force

The first meeting of the newly formed Colorado River Drought Task Force (created by Senate Bill 23-295) took place July 31. Eagle County Commissioner and Colorado River District Board President Kathy Chandler-Henry was named as the Non-voting Chair. The list of those appointed to the various task force seats and other meeting information is in the [meeting notes](#). The second meeting was Aug. 10. Agendas and videos of the first two meetings are on the [task force website](#), along with upcoming meeting dates. The Colorado Sun [reported on the first meeting](#).

### Colorado River Basin

Becky Mitchell has now transitioned from being both the Director of the Colorado Water Conservation Board ([CWCB](#)) and Colorado's Commissioner on the [Upper Colorado River Commission](#) (UCRC) to solely the latter position. She has prioritized statewide outreach to represent all of Colorado. Information about the state's involvement in the UCRC, Colorado River Compact issues, and related federal processes are available on a new CWCB [Colorado River Commissioner's Corner](#) webpage. It addresses priorities including Commissioner Mitchell's eight "irrefutable truths" for post-2026 operations (more in this [July 25 Colorado Sun story](#)), recent announcements (such as Colorado's [Aug. 15 letter to the US Bureau of Reclamation](#) – also attached below), and summaries of what's been done in the past few years. Members of the public may submit comments for Commissioner Mitchell via [EngageCWCB.org](#).

The U.S. Bureau of Reclamation announced a return to "Tier 1" shortage for Lake Mead and the Lower Colorado River for 2024, which eases this year's first-ever Tier 2 shortage in the lower basin. A news release about the 2024 operations of Lake Powell and Lake Mead is on the [USBR website](#) and two media reports are linked below. The Department of Interior continues to make funding available for water infrastructure and the Colorado River system; see attached and/or link below.

### District in the news:

1. Aug. 17, Vail Daily: [Minturn residents get a look at Battle Mountain settlement deal](#)
2. Aug. 16, Vail Daily: [Vail Resorts, Colorado reach settlement over 2021 fish kill in Gore Creek](#)
3. Aug. 13, Vail Daily: [Minturn, Battle Mountain developers reach settlement after years of legal wrangling](#)
4. July 29, Vail Daily: [Time Machine: 30 years ago, ghost town of Gilman eyed for development](#) (VA pump station)
5. July 28, Vail Daily: [Bolts Lake project will require years of planning and money from different sources](#)
6. July 26, Vail Daily: [Water war at Whitney: How history and hydrology are colliding on the upper Eagle River](#)

**Attachments** (and/or hyperlinks):

1. Aug. 15, CWCB: State of Colorado response to US Bureau of Reclamation's request for comments on the
2. Aug. 15, Colorado Sun: [Western states will not lose as much Colorado River water in 2024, despite long-term challenges](#)
3. Aug. 15, KUNC: [Feds ease Colorado River cutbacks after positive forecast, but more work remains](#)
4. Aug. 14, U.S. Department of the Interior: [Biden-Harris Administration Announces \\$50 Million to Enhance Key Water Infrastructure in the Upper Colorado River Basin Through President's Investing in America Agenda](#)
5. Aug. 11, Aspen Journalism newsletter: [Big water year begins to fade away](#)
6. Aug. 9, KUNC: [Water-short cities in the West want to use every last drop, even when it comes from sewage](#)
7. Aug. 6, Vail Daily: Gypsum to propose water rate increase on Tuesday, residents encouraged to weigh in
8. Aug. 4, Vail Daily: After shocking \$120M estimate, staff make big cuts to Gypsum sewer plant cost
9. Aug. 1, Cal Matters: [Don't call it 'toilet to tap' — California plans to turn sewage into drinking water](#)
10. July 27, Denver 7: [Aurora ripping up 20+ acres of traditional grass in public spaces to replace with water-wise options](#)
11. July 26, Denver 7: [22 attorneys general oppose 3M settlement over water systems contamination with 'forever chemicals'](#)



August 15, 2023

Commissioner Camille Calimlim Touton  
Bureau of Reclamation  
1849 C Street NW  
Washington, DC 20240-0001

VIA ELECTRONIC MAIL  
[crbpost2026@usbr.gov](mailto:crbpost2026@usbr.gov)

RE: The State of Colorado's Response to the Request for Comments on the Notice of Intent To Prepare an Environmental Impact Statement and Notice To Solicit Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead, 88 FR 39455 (June 16, 2023)

Dear Commissioner Touton:

The State of Colorado, acting through the Governor's Representative and the Colorado Water Conservation Board (collectively "Colorado"), submit the following comments in response to the Bureau of Reclamation's ("Reclamation") Request for Comments on the *Notice of Intent To Prepare an Environmental Impact Statement and Notice To Solicit Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead* ("NOI"), 88 FR 39455 (June 16, 2023). Colorado appreciates your consideration of our comments and requests that they be incorporated into the preparation of the Post-2026 Operations Environmental Impact Statement ("Post-2026 Operations").

The State of Colorado understands that Reclamation is formally initiating an environmental review process under the National Environmental Policy Act ("NEPA") to prepare an Environmental Impact Statement ("EIS") for the development of Post-2026 Operations. Through the June 16, 2023, Notice, Reclamation is requesting comments on: (1) the scope of specific operational guidelines; (2) strategies; and (3) any other related issues that should be considered in the upcoming EIS.

In addition to joining the Comment Letter submitted by the Basin States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and the Upper Division States of Colorado, New Mexico, Utah, and Wyoming Letter through the Upper Colorado River Commission ("UCRC"), Colorado submits the following comments:





## I. Colorado's Interests

Colorado is on the front lines of climate change. Because no major rivers flow into Colorado, and we are without the benefit of large reservoirs above our places of use to provide a steady, reliable source of supply, Colorado must satisfy all its water demands from runoff within the state. The Colorado River and its tributaries supply over forty percent of Colorado's water needs and provide water to the majority of the State's population.

In Colorado, we have a long history of administering water rights according to the physical and legal availability of water in a particular location at a particular time. Because we rely solely on snowpack and subsequent runoff each spring for our water use, our water use is highly variable each year. Colorado's system of administration allows for adaptation to such changing circumstances, including throughout the last twenty-three years of drought. This means that many water users in Colorado do not receive the full amount of their legal allocation that they can place to beneficial use under existing rights, which significantly impacts Colorado's farms, ranches, cities and towns, the recreation industry, and the environment. Importantly, for the last twenty-three years, Colorado water users have had to cut uses and take shortages nearly every year, including cuts to water rights that are senior to the 1922 Colorado River Compact. In some instances, Colorado water users only received ten percent of what they are legally entitled to receive. In 2021, Colorado and the other Upper Division States used 3.5 maf, which is roughly 1.0 maf less than they used in 2020 and is less than half of the water apportioned to the Upper Basin under the Colorado River Compact.

Despite these challenging circumstances, over the last two years, Colorado and the other Upper Division States contributed 624,000 acre-feet of water from Colorado River Storage Project Act reservoirs to help protect critical elevations in Lake Powell under the 2019 Drought Contingency Plan ("DCP"). In 2022, Colorado, along with the three other Upper Division States also developed a 5 Point Plan that included a voluntary, temporary, and compensated pilot program available to willing water users to conserve water to help mitigate drought conditions in the Upper Basin through 2024. Through that program, the Upper Division States are projected to conserve approximately 40,000 acre-feet in 2023, with Colorado contributing roughly 2,700 acre-feet.

Despite these efforts, storage in Lake Powell and Lake Mead has been depleted over the last twenty years, which has created risks for the entire Colorado River System, including Colorado's substantial interests in the Colorado River. Protection of Colorado's interests into the future requires operation of Lake Powell and Lake Mead based on actual hydrology, and the restoration and protection of storage to maximize operational certainty.



## II. Purpose and Need

New guidelines for Post-2026 Operations are needed because the current operating guidelines are not sustainable. Between 2000 and 2022, the Colorado River experienced the worst drought conditions in over one hundred years of recorded history. During this period, storage in Lake Powell and Lake Mead dropped from nearly full to a system storage of less than 32 percent of capacity as of March 20, 2023. Despite a record snowpack in 2023 and a very high spring runoff, the system storage was still only at 44 percent of capacity as of July 18, 2023. The prolonged drought and allowed overuse in the Lower Basin have highlighted the deficiencies in the *Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead* (“2007 Guidelines”). The 2007 Guidelines have proven insufficient to properly manage Lake Powell and Lake Mead during periods of dry hydrology and depleted reservoir conditions.

The need for repeated interventions as the system bordered on collapse demonstrates the ineffectiveness of the 2007 Guidelines. This includes the System Conservation Pilot Programs that started in 2014, the DCP, Minute 323, and the 2022 Supplemental EIS to the 2007 Guidelines that is currently underway.

Over the past fifteen years, storage in Lake Powell and Lake Mead has been depleted largely due to reservoir releases that do not respond to actual hydrologic conditions. Releases from storage under the 2007 Guidelines ignore critical components of the mass balance of water across the Basin including but not limited to accounting for evaporative and conveyance losses in the Lower Basin. Moreover, as has been clear since 2020, shortage conditions imposed by the 2007 Guidelines and the DCPs do not begin early enough and do not conserve adequate volumes of water to sustain critical infrastructure elevations at Lake Powell and Lake Mead during multi-year drought periods.

Guidelines that meet the criteria below will provide a greater degree of operational certainty to Colorado River water users and managers of waters at and below Lake Powell into the future. Going forward, the guidelines for Post-2026 Operations must use actual hydrologic conditions for decision-making, rather than data from projections several months or years into the future, and allow for the restoration and protection of storage in both reservoirs. This enables water users and managers in the Upper and the Lower Basin to know the amount of available water supply in a given year, and to adapt in such a way that in dry years, uses are reduced to reflect available water supplies and storage is preserved to the greatest extent possible in the event of multi-year drought.

This will require guidelines for Post-2026 Operations that:

1. Acknowledge that climate change is real, and include operations for a drier, more variable future that adapt and respond to actual hydrology.



2. Include mechanisms to rebuild depleted storage in both reservoirs and to protect storage into the future by considering actual hydrology and using targeted, short-term forecasting.
3. Recognize that Lower Basin overuse is unsustainable and puts the entire system at risk. New guidelines should better assure operational certainty into the future by reducing the imbalance between supply and uses. This will require permanent Lower Basin reductions of 1.2 million acre-feet to 1.5 million acre-feet each year. An important step to help meet those reductions may be to account for evaporation and system losses in the Lower Basin.
4. Do not interfere with the right of any state to administer and distribute all the waters within its boundaries.
5. Avoid uncertain outcomes from litigation by recognizing the Law of the River, anchored by the 1922 Colorado River Compact and the 1948 Upper Colorado River Basin Compact (“Compacts”) together with the 1944 Treaty with Mexico, as the foundation for any new guidelines and strategies for Post-2026 Operations. These foundational components provide legal certainty regarding management of the Colorado River System and its infrastructure and allow for collaboration and consensus.
6. Ensure that operations do not favor one basin over the other. Post-2026 operating guidelines must fairly balance the burden of climate change across the entire Colorado River Basin. The Upper and Lower Basins have equal apportionments of the Colorado River in perpetuity. Water users in the Lower Basin cannot be given priority over water users in Colorado and the other Upper Division States.
7. Acknowledge that Colorado River Basin Tribes have water rights that they are entitled to use. The development of sustainable and effective guidelines and
8. Strategies for Post-2026 Operations at Lake Powell and Lake Mead will depend upon participation of the Colorado River Basin Tribes.

### III. Scope of NEPA Process

The NOI recognizes that guidelines and strategies for Post-2026 Operations will pertain to operations of Lake Powell and Lake Mead. As such, those guidelines can only focus on hydrologic conditions impacting Lake Powell, storage conditions, and releases at Lake Powell and Lake Mead subject to the existing legal framework. They cannot modify operations at the other Initial Units built under the Colorado River Storage Project Act, including the respective records of decision that govern each of these reservoirs.



Over the last twenty-three years of drought, the Upper Division States experienced imbalances between available supply and demands because the Upper Division States are limited by actual hydrology and experience shortages every year. This includes uncompensated water rights administration that result in reductions in water annually. During the same period, water use in the Lower Basin remained constant and even increased during the worsening drought in recent years.

Any assumption of reductions in use or curtailment in the Upper Basin is beyond the scope of this process. Separate from this process, Colorado will continue to advance initiatives to increase resiliency and the sustainable use of its Colorado River supplies.

Guidelines for Post-2026 Operations must rely upon the best available science, including actual hydrology and storage conditions at Lake Powell and Lake Mead, and the targeted use of short-term forecasting. The guidelines must include accurate, and transparent accounting for all depletions in the Colorado River System that are consistent with the Law of the River, issued annually, and rely upon the most recent studies including, but not limited to, the *One Meter Topobathymetric Digital Elevation Model for Lake Powell, Arizona-Utah, 1947-2018*.

Moreover, to understand and compare alternatives for guidelines for Post-2026 Operations, it is imperative that Reclamation issue the Lower Basin Consumptive Uses and Losses Report 2006-2022 at the earliest opportunity.

There must also be a thorough analysis of the Secretary of the Interior’s (“Secretary”) authorities to apportion water and impose shortages in the Lower Basin and to consider opportunities to balance water supplies with depletions there to recover storage at Lake Powell and Lake Mead. However, a detailed framework or rulemaking for voluntary water conservation measures in the Lower Basin, species conservation programs, or other related matters must be addressed in separate but parallel proceedings.

Guidelines for Post-2026 Operations must be interim in duration.

#### IV. No Action Alternative

The NOI recognizes that the 2007 Guidelines and the DCPs, and related reservoir and water management agreements and decisional documents are scheduled to expire December 31, 2025. Amending the 2007 Guidelines, the DCPs, and related agreements to extend their current expiration dates requires federal action. Therefore, the No Action alternative cannot include the extension of the 2007 Guidelines or the DCPs.

The No Action Alternative must acknowledge that pursuant to Section 8.C of the 2007 Guidelines, absent the issuance of a Record of Decision for Post-2026 Operations at Lake Powell and Lake Mead, at the conclusion of the effective period of the 2007



Guidelines, the operating criteria for Lake Powell and Lake Mead are to revert to the long range operating criteria used to model baseline conditions in the Final Environmental Impact Statement (“FEIS”) for the Interim Surplus Guidelines dated December 2000 (“2000 ISGs”) (i.e., modeling assumptions based upon a 70R Strategy for the period commencing January 1, 2026 (for preparation of the 2027 AOP)).

There are outstanding questions related to the long range operating criteria used to model baseline conditions in the FEIS for the 2000 ISGs. Colorado respectfully requests the Secretary and Reclamation consult with Colorado and the other Basin States on that criteria, modeling assumptions, and the No Action Alternative.

#### V. Other Considerations

Colorado, with the other Upper Division States, has committed to a process with the Lower Division States to develop a consensus Basin States Agreement Alternative. Participation of the Colorado River Basin Tribes is critical to this process. To that end, Colorado is engaging with the other Basin States to coordinate with the Colorado River Basin Tribes. Colorado and the other Upper Division States through the UCRC, are also engaging with the Upper Basin Tribes, and Colorado continues to work closely with the Southern Ute Indian Tribe and the Ute Mountain Ute Indian Tribe.

Colorado supports the efforts of the United States and Mexico through the International Boundary and Water Commission to engage in the separate but concurrent binational process to complement any guidelines for Post-2026 Operations at Lake Powell and Lake Mead. Colorado further supports the inclusion of the Basin States in the binational process.

#### VI. Reservation of Rights

Colorado’s comments are intended to highlight overarching issues that will require acknowledgment or clarification as the EIS process continues. Colorado’s failure to provide specific comments regarding details of this NEPA process shall not be construed as an admission with respect to any factual or legal issue or the waiver of rights for the purposes of any future legal, administrative, or other proceeding. Furthermore, Colorado reserves the right to comment further on Scoping and the EIS documentation as Reclamation proceeds with subsequent phases of the NEPA process to develop guidelines for Post-2026 Operations at Lake Powell and Lake Mead.

#### VII. Conclusion

As a Colorado River Basin State, Colorado has a unique interest in the water supplies of the Colorado River Basin. As a party to, and beneficiary of, the interstate compacts and laws that govern the management of the Colorado River, Colorado has an obligation to protect the



interests of Colorado’s water users who rely on the Colorado River. Colorado is committed to working with Reclamation as the formal NEPA process develops. Moreover, Colorado plans to partner and engage with the other Basin States, Colorado River Basin Tribes, water users, and stakeholders.

Colorado appreciates the opportunity to provide these comments on the NOI for the development of guidelines for Post-2026 Operations at Lake Powell and Lake Mead. We look forward to continuing our partnership with you and our partners across the Colorado River basin as we move forward in protecting and managing this critical resource into the future.



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Rebecca Mitchell  
Colorado Commissioner  
Upper Colorado River Commission



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Lauren Ris  
Acting Director  
Colorado Water Conservation Board





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# Biden-Harris Administration Announces \$50 Million to Enhance Key Water Infrastructure in the Upper Colorado River Basin Through President's Investing in America Agenda

*Historic investments are helping to protect and sustain the Colorado River System*

8/14/2023

Last edited 8/14/2023

[COMUNICADO DE PRENSA EN ESPAÑOL](#) →

Date: Monday, August 14, 2023

Contact: [Interior\\_Press@ios.doi.gov](mailto:Interior_Press@ios.doi.gov)

**WASHINGTON** — The Department of the Interior today announced \$50 million over the next five years to improve key water infrastructure and enhance drought-related data collection across the Upper Colorado River Basin. The Bureau of Reclamation is making an initial \$8.7 million investment in fiscal year 2023 to support drought mitigation efforts in Colorado, New Mexico, Utah and Wyoming that will help ensure compliance with interstate water compact obligations, maintain the ability to generate hydropower at Glen Canyon Dam, and minimize adverse effects to resources and infrastructure in the Upper Basin.

President Biden's Investing in America agenda represent the largest investment in climate resilience in the nation's history and is providing much-needed resources to enhance Western communities' resilience to drought and climate change, including protecting the short- and long-term sustainability of the Colorado River System. Through the Bipartisan Infrastructure Law, Reclamation is investing a total of \$8.3 billion over five years for [water infrastructure projects](#), including water purification and reuse, water storage and conveyance, desalination and dam safety. The Inflation Reduction Act is investing an additional \$4.6 billion to address the historic drought. Today's announcement is one of the many [historic investments](#) the Biden-Harris administration is implementing as part of an all-of-government effort to make the Colorado River Basin and all the communities that rely on it more resilient to climate change, including the ongoing drought in the West.

"The Biden-Harris administration is committed to bringing every tool and every resource to bear to as we work with states, Tribes, and communities throughout the West to find long-term solutions in the face of climate change and the sustained drought it is creating," said **Deputy Secretary Tommy Beaudreau**. "As we look toward the next decade of Colorado River guidelines and strategies, we are simultaneously making smart investments now that will make our path forward stronger and more sustainable."

"Resources from President Biden's Investing in America agenda are allowing us to meet a number of program needs across the Colorado River System, including expanding the Basin's existing network of instrumentation to improve water accounting, weather predicting and monitoring," said **Reclamation Commissioner Camille Calimlim Touton**. "Today's funding will enhance

critical data and empower us with the best-available science and technology to more accurately measure the Upper Basin's consumptive water use."

The initial \$8.7 million announced today will purchase and place 12 new eddy covariance stations. Reclamation will locate the stations throughout the basin to measure evapotranspiration, a key measurement for determining consumptive water use. There are currently four of these stations in the Upper Basin, one placed in each of the Upper Basin states. Reclamation and the Upper Basin states, along with other partners, studied evapotranspiration in the Upper Basin from 2018 through 2020. The data that was collected and analyzed provided critical insight and demonstrated the need and value of expanding the data gathering ability.

This funding helps further Drought Contingency Planning activities in the Upper Colorado River Basin and is consistent with the obligations of the Secretary under the Colorado River Drought Contingency Plan Authorization Act (P.L. 116-14) and related agreements.

To date, the Interior Department has announced the following investments for Colorado River Basin states, which will yield hundreds of thousands of acre-feet of water savings each year once these projects are complete:

- \$281 million for 21 water recycling projects that are expected to increase annual water capacity by 127,000 acre-feet annually
- Up to \$233 million in water conservation funding for the Gila River Indian Community, including \$83 million for a water pipeline project and an additional \$50 million from the Inflation Reduction Act through the Lower Colorado River Basin System Conservation and Efficiency Program, which will also provide similar investments in 2024 and 2025
- Over \$73 million for infrastructure repairs on water delivery systems, \$19.3 million in fiscal year 2022 and another \$54 million in April
- \$71 million for 32 drought resiliency projects to expand access to water through groundwater storage, rainwater harvesting, aquifer recharge and water treatment
- \$20 million in new small surface and groundwater storage investments
- Eight new System Conservation Implementation Agreements in Arizona that will commit water entities in the Tucson and Phoenix metro areas to conserve up to 140,000-acre feet of water in Lake Mead in 2023, and up to 393,000-acre feet through 2025.

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PRESS RELEASE



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PRESS RELEASE



Biden-Harris Administration Makes Nearly \$200 Million Available for Drought and Climate Resiliency Projects as Part of Investing in America Agenda

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Biden-Harris Administration Investing \$152 Million Through Investing in America Agenda to Expand Water Storage in the West



# Gypsum to propose water rate increase on Tuesday, residents encouraged to weigh in

News [FOLLOW NEWS](#) | Aug 6, 2023



**John LaConte** [FOLLOW](#)  
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The town of Gypsum is encouraging locals to attend Tuesday's Town Council meeting to learn about proposed rate changes in the price of water for residents and businesses in town.

John LaConte/Vail Daily

Gypsum has not raised water rates since 2001, but the rising cost of water in Colorado has the town considering an increase for this fall.

Most residential users will see an increase of \$19 per month in their base fee, according to the proposed rate change, and most commercial accounts will see an increase of 23% in their base fee. Properties utilizing town water for irrigation or process water will pay higher fees based on the amount of water used under the new proposal, as well.



The town is eyeing a Sept. 1 date of increase, with the new rates reflected on September bills which are mailed in October.

The Gypsum Town Council will discuss the new water rate structure on Tuesday, and is encouraging residents to attend the meeting and voice their opinions on the proposal.

Attendees to Tuesday's meeting will also get a chance to learn how Gypsum allocates taxpayer funds into general funds and enterprise funds, and the differences between those two budgets.

The focus of Tuesday's discussion will be the enterprise fund, which will need to be bolstered to support water system infrastructure maintenance, capital improvements, future system expansion and regulatory requirements.

The rising costs of water in Colorado and general inflation in the cost of producing and distributing treated water are also being cited as reasons for the proposed increase.

The new water rate proposal is intended to coincide with a tap fee increase for new development, which took effect in May. Prior to that increase, tap fees in Gypsum had not been adjusted since 2007.

Gypsum is currently [planning a \\$75 to \\$77 million wastewater treatment plant upgrade](#), as well, and is expected to break ground on that new facility in 2024.

"We recognize that no one likes a rate increase, but the reality is that the costs of providing water services has increased substantially over the past 22 years," said Jeremy Rietmann, Gypsum Town Manager. "In order to continue to provide safe, reliable, high-quality water services, these increases are simply necessary."

Despite the increase, Gypsum's water rates will still be less than those in most neighboring municipalities, Rietman said.

Tuesday's meeting is scheduled to start at 7 p.m. at the Town Hall Council Chambers at 50 Lundgren Blvd. For more information about the new water rate structure, contact the town of Gypsum at 970-524-7514, email [jeremy@townofgypsum.com](mailto:jeremy@townofgypsum.com)<sup>↗</sup>, or visit [TownofGypsum.com](http://TownofGypsum.com)<sup>↗</sup>.

# After shocking \$120M estimate, staff make big cuts to Gypsum sewer plant cost

News [FOLLOW NEWS](#) | Aug 4, 2023



**John LaConte** [FOLLOW](#)  
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The town of Gypsum has been tasked with designing a new wastewater treatment facility, which will be costly. The latest estimate is \$75 to \$77 million.  
*John LaConte/Vail Daily*

The town of Gypsum has been working to relieve itself of the exorbitant costs associated with a wastewater treatment plant project that must be completed in the next two years, a project that will [create a new burden for taxpayers](#).

The project appears to be getting more expensive by the minute, but on July 27 the town received some good news, relatively speaking: The estimated project cost is back down to the \$75-\$77 million range.

The news comes after an update that the town staff delivered to citizens and the Gypsum Town Council on July 25, saying the project's only bidder had estimated the cost to be \$120 million. When the town told the bidder that's not acceptable, "they managed to get it down to \$102 million," Town Engineer Jim Hancock told the council.

The council responded in dismay, with one council member saying he'd rather face incarceration than ask taxpayers to come up with that kind of money.

"There's no way, myself, I can stand in front of our constituents and spend a tenth of a billion dollars, it's not going to happen," said Council member Scott Green. "I'll go to jail first."



## Accelerated schedule

While jail time for non-compliant council members is not likely, there is a legal dimension to the wastewater treatment plant which is spurring the accelerated construction schedule.

Gypsum's current wastewater treatment plant has recently been pushed to more than 80% capacity, which triggers a regulation saying the town must begin designing a new facility. And the state has given Gypsum until July 2025 to finish the project, due to the fact that nitrite standards led to the Eagle River in Gypsum being listed as impaired by the Colorado Department of Public Health and Environment in 2021.

"We've got a very, very aggressive nitrate standard to meet, and heretofore we had never even tested for nitrite, that wasn't an issue," Hancock told the council. "We got a difficult standard, and because of the importance of the listing of the river, they also gave us a compliance deadline that was pretty aggressive, saying we had to be under design and have the plant completed by July of 2025."

Hancock suspects the tight deadline is to blame for the town only receiving one bidder on the project.

The town put the job out to bid in early 2023, with five potential bidders attending a pre-bid presentation in January. But only one of those companies agreed to submit a bid, and that company, MWH Constructors, estimated the cost of the project to be \$120 million.

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That estimate was nearly double the \$65 million estimate the town had received from its engineer, Dewberry Engineers Inc., which was nearly double the estimate the town had received in 2018 when it initiated a capacity survey of the sewer system. The first estimate, which spurred the town to begin the project, was "about \$34-\$35 million for the capacity they needed for the 20-year horizon that the state requires," Hancock said.

As a result of the rapidly escalating costs, the town ordered MWH, the contractor, and Dewberry, the engineer, to put their heads together and value engineer their way to a less expensive option.

"They met last Friday for an 8-hour value engineering session, where they put all their technical teams together to re-evaluate the current design and then figure out ways to drive cost efficiencies without reducing scope and the ability of the plant to achieve all of the original design goals," Gypsum Town Manager Jeremy Rietmann told the Vail Daily.

As a result, "They're back down into a \$75 to \$77 million estimate area at the moment," Rietmann said. "And they claim that that is without any kind of operational scope reduction."

## A tight squeeze

The last time the town constructed a sewer plant, in the early 2000s, the cost was \$5 million. But that plant has not been ideal.

"One of the limitations we've dealt with with the existing plant, which was completed in 2002, was it's not very versatile in that, once you hit 50 percent, and you're running both trains, you really have no opportunity to manipulate the system and take some of it down," Hancock told the council on Tuesday.

The new plant will offer more flexibility but will require, according to state regulations, a 2,550 square-foot headworks building to house new mechanical screens and grit removal, along with a secondary process capable of treating wastewater to meet the effluent requirements.

That secondary process, known as a "Johannesburg process," will require four secondary process basins with five zones each (sludge denitrifying, anaerobic, anoxic, swing, and aerobic); three secondary clarifiers and a 4,600 square-foot secondary process building.

The plant will also require a 2,250 square-foot ultraviolet disinfection building and a 1,500-square-foot truck loading area.

All that has to be fit into a relatively small space on Cooley Mesa Road, Hancock said.

"The other challenge is just the tightness of the site," Hancock told the council.

## Easing of regulations

While Gypsum works to reduce the cost of the plant, there has been some easing of standards which could lower costs, as well.

“We did lobby pretty hard with the water commission, as far as the regulatory compliance for nutrients, and they did de-list the river for nitrites,” Hancock said. “So the standards that are in our permit are not appropriate anymore.”

That standard was 0.05 parts per million, which is “not even measurable,” Hancock said. “Nobody is treating to that level, so that goes away, but we don’t know what the new standard is.”

The easing of nitrite standards should allow the town to receive a new permit on the project, which should also create a new timeline.

“I’m confident we’ll get another permit, and the compliance schedule will be more relaxed,” Hancock said. “But we will need to address capacity, and there are regulatory thresholds that are coming.”

Rietmann said Gypsum is not the only town that’s dealing with cost issues related to increased regulation.

“It’s communities all over the state,” Rietmann told the council. “And I do think it’s important that we band together and point out when this is reasonable regulation that results in high-quality stewardship of our natural environment, and when some of this is just saddling communities with a burden that’s unbearable for upside reasons that may be questionable.”