

Joint SPBRT / MRT Environmental & Recreation Subcommittees

Meeting Summary

March 22, 2023
3:00 pm – 4:00 pm

In Attendance:

David Nickum, Kirk Vincent, Lynda James, Diane Kielty, Kelly Romero-Heaney, Josh Kuhn, Morgan Lynch, Halley Strevey

3:00 pm

1. **DNR Assistant Director for Water Kelly Romero-Heaney brief on proposed legislation on water rights for stream restoration**

DNR is leading priority legislation with direction from the Governor regarding stream restoration and water rights issues. A PPT slide deck was presented providing an overview of the values of healthy natural stream functions and impacts to their health. Restoration stream activities were reviewed.

Colorado water law was not designed to complement natural stream function. There are legal barriers, C.R.S. 37-92-501 and 502 concerning diversion, storage, or unnecessary obstruction, in conflict with restoration to natural functions. There are uncertainties with building projects with the possibility of being dismantled post construction or being required to secure water rights to do projects.

There have been stakeholder meetings with water users to address the topic of minor hydrologic changes. This legislation is crafted to allow certain activities without requiring going to water court. Water users can rebut this if they can demonstrate project impacts their water right.

There was a meeting on this legislation in the capital yesterday. Concerned users are asking for a volumetric cap to clarify the extent of project capacity and increased surface area. An option may be using the evaporative rate to determine a surface area cap.

There was discussion and questions were addressed. Comparative policy was requested. Colorado water law is different than other western states. They will share the Wyoming and Utah policy with the RTs.

American Rivers cites other states efforts: <https://www.americanrivers.org/2022/11/new-report-state-of-the-science-on-restoring-western-headwater-mountain-streams/>

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4:10 pm - Adjourn.