

DRAFT

No/Low Regrets Action Plan

Prepared for Sept. 24-25, 2013 CWCB Meeting

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3. Establish Low/Medium Conservation Strategies

Conservation is a major piece of the larger water supply portfolio and will be an important tool for meeting future municipal and industrial (M&I) demands. Conservation efforts should strive to meet the projected 2050 M&I supply gap while preventing substantial changes to quality of life, minimizing agricultural dry-up, and maintaining important environmental and recreational values. The portfolios developed by the Interbasin Compact Committee (IBCC) and Basin Roundtables indicated a desire to at least reach low to medium conservation levels statewide, regardless of what future scenario may arise. However, when it came to the amount of conserved water that could be applied to the projected 2050 water supply gap, the portfolios reflected a wide range of possibilities—0 percent to 60 percent.

The Colorado Water Conservation Board (CWCB) defines water conservation as those methods and programs that enable measurable and verifiable permanent water savings (CWCB 2010). The conservation strategy outlined in the Statewide Water Supply Initiative (SWSI) seeks to periodically update the range of potential future water conservation savings to meet a projected 2050 M&I water supply gap. While trajectories of water providers' conservation savings may currently appear on the path to achieve the medium conservation levels described in SWSI 2010, without active support, medium levels will most likely not be achieved.

Additionally:

- The nearly 20 percent demand reduction attained statewide since the early 2000s may not be fully maintained.
- Passive water conservation savings occur independently of water provider interventions and occur as the result of outside actions (e.g., federal plumbing standards). Recent indications suggest that the passive conservation levels predicted in SWSI 2010 are not being realized at the anticipated pace and therefore more active support is needed.
- Local or statewide ordinances/legislation needed to achieve medium or high conservation levels are not being widely adopted and require additional support.
- It is not clear how much, if any, of the potential water savings from active conservation could be incorporated into reducing base demands (i.e., a portion of the M&I gap). Significant concerns remain about the reliability of future conservation savings and the ability to share these savings at the right time and location to meet additional municipal demands.

Nonetheless, based on Basin Roundtable portfolio work, discussion at the Statewide Conservation "mini-summit," work of the IBCC Conservation Subcommittee, SWSI 2010 (see Appendix B for a summary of the findings), and other discussions, it has been determined that **accelerating passive conservation saving and** implementing the action items associated with medium conservation should be a no/low regrets strategy. The potential future actions described below should help make conservation savings a more reliable part of the solution to meeting Colorado's future water needs.

Completed and Ongoing Actions	Potential Future Actions
<ul style="list-style-type: none"> • Collect House Bill (HB) 1051 data • Implement Executive Order for state agencies to develop water and energy conservation plans • Support CWCBC Conservation Program and state-approved water provider conservation plans • Created and distributed Metro Roundtable Conservation • Established IBCC Conservation Subcommittee • Support Water Conservation Technical Advisory Group (WCTAG) • Implement CWCBC Conservation Planning Program and Technical Support, including: <ul style="list-style-type: none"> – SWSI Conservation Levels Analysis – SWSI M&I Water Conservation Strategies – Guidebook of Best Practices for Municipal Water Conservation in CO – Municipal Water Efficiency Plan Guidance Document and Sample Plan • Held joint Basin Roundtable meetings and a statewide roundtable conservation mini-summit in 2012 • Encourage communities at current low levels of conservation to achieve higher levels with financial and technical assistance 	<ol style="list-style-type: none"> 1) Improve Tracking and Quantification of Conservation <ol style="list-style-type: none"> a) Implement HB 1051 b) Develop Basin Implementation Plans (BIPs) 2) Establish a Statewide Conservation Goal with Intermittent Benchmarks <ol style="list-style-type: none"> a) Develop general political support for a statewide conservation goal b) Develop statewide agreement tying conservation to new supply development and agricultural transfers c) Support local entities in their efforts to outline and report their own approaches to help achieve the statewide goal. d) Explore best approach to implementation of standards to achieve goal e) Develop and implement conservation standards 3) Continue to Support Local Implementation of Best Practices <ol style="list-style-type: none"> a) Continue implementation of state conservation programs b) Encourage use of levels framework and best practices guidebook 4) Promote Enabling Conditions for Use of Conserved Water <ol style="list-style-type: none"> a) Maintain and develop storage and infrastructure for the use of conserved water b) Promote incentives for the use of conserved water c) Identify and, where possible, resolve legal and administrative barriers to the use of conserved water d) Identify and explore barriers to sharing conserved water 5) Develop New Incentives for Conservation <ol style="list-style-type: none"> a) Explore funding options in support of the Water Efficiency Grant Program b) Develop professional education and certification programs c) Develop new eligibility requirements for state grants and loans that include certain conservation levels or indications of commitment to conservation d) Develop conservation standards for communities planning to use agricultural transfers or new supplies for future water needs e) Develop incentives that incorporate the following concepts f) Support and encourage land use practices that help reduce water consumption, focusing as much as possible on incentives 6) Explore Legislative Concepts and Develop Support <ol style="list-style-type: none"> a) Explore legislative options and support for indoor plumbing code standards b) Explore legislative options and support for outdoor water efficiency standards c) Engage in outreach and education efforts to explain the need for legislation; develop political support 7) Implement Education and Outreach Efforts <ol style="list-style-type: none"> a) Track public attitudes through baseline and ongoing surveys b) Develop statewide messaging and use focus groups to refine and guide implementation c) Develop decision-maker outreach strategies d) Pursue a coordinated media campaign

1) Improve Tracking and Quantification of Conservation

Potential Future Action Purpose(s)

The Basin Roundtable portfolios exhibit large variation in the amount of conserved water that is expected to be available for application to the projected 2050 water supply gap. The predicted amount ranges from 0 percent from low conservation strategies to 60 percent from high conservation strategies. There was general agreement among portfolios that the strategies that support medium conservation should be implemented in order to reduce impacts to agricultural and nonconsumptive needs. However, several Basin Roundtables and water providers are deeply concerned about the reliability of using conserved water to sustainably meet a portion of the gap. Much of the water conservation savings achieved over the last decade rely on the behaviors of customers, and water providers are concerned that new people moving to Colorado may not exhibit similar conservation behaviors. In addition, many of the rapidly growing areas that need additional water supplies do not have a lot of conservation potential but could use conserved water from other water providers. Unfortunately, there are several constraints to sharing conserved water. For instance, many water rights do not allow a water provider to share conserved water beyond its service area, and there is lack of infrastructure to move conserved water where and when it is needed. For these reasons, tracking how and if conservation savings are able to be realized and continue to reduce water demands is critical. In addition, efforts to help increase the reliability of conservation savings may also be critical.

These future efforts will seek to refine our knowledge of concrete conservation savings that can meet current and future supply needs. A summary of SWSI conservation findings are provided in Appendix B, which describes the estimates of potential future water conservation for three distinct strategies—low, medium, and high water conservation savings.

Potential Specific Actions

- a) **Implement HB 1051:** Implementing the water conservation data collection efforts required by HB 1051 will allow for ongoing quantification of program effectiveness and reliability. HB 1051 requires covered entities—those water providers who deliver 2,000 acre-feet (AF) or more per year—to participate by providing data. CWCB should also encourage noncovered entities, particularly those that are likely to reach the 2,000 AF threshold by 2050, to voluntarily participate. This data will be used as part of SWSI to track conservation savings and how much can be used to meet M&I needs.
- b) **Develop Basin Implementation Plans:** Ongoing development of the BIPs and updates to SWSI will include updated conservation data in the analysis, **including what in-basin conservation actions can be used to meet future M&I needs.**

Immediate Action Steps

Background

Challenges/Barriers

Collection of data through HB 1051 and the BIPs will be long-term and iterative. It may take a number of years to gain insight as to the reliability of water conservation practices using the data collected through the HB 1051 process.

Opportunities

Through tracking and quantification, the reliability of water conservation practices can be verified over time and water conservation's role for meeting the M&I supply gap can be better defined.

2) Establish a Statewide Conservation Goal with Intermittent Benchmarks

Potential Future Action Purpose(s)

By decreasing the amount of water that is needed to meet M&I needs, conservation can reduce the amount of water that is transferred out of agriculture and help retain water in Colorado's streams for environmental and recreational needs. Certain types of conservation, specifically those practices that reduce consumptive use (CU), can reduce the amount of additional water resources needed to meet future M&I demand, thereby reducing the water supply "gap." The majority of conservation efforts occur at the local level, but some additional work is needed statewide to maximize momentum toward conservation. Creating a statewide conservation goal can unite the entire state in a common effort that invites, encourages, and/or requires action at the individual, family, community, provider, and even basin levels. It distributes the responsibility for conservation equally across the state but also allows for personal choice and local autonomy in how to participate in the achievement of the goal. Intermittent benchmarks will help individuals, providers, basins, and the state as a whole understand if we are doing enough separately and together to meet our growing demand while also protecting our agricultural heritage and nonconsumptive values. **This should be considered a goal, but not a requirement.**

Potential Specific Actions

- a) **Develop general political support for a statewide conservation goal:** Work with Basin Roundtables, the IBCC, water providers, the Governor, and other leaders to increase understanding of the importance of a shared vision and goal for the state and a statewide ethic of water conservation (e.g., "we are all in the same boat"). Messaging should stress how conservation can help slow down agricultural dry-up, meet the water supply gap, and protect nonconsumptive needs.
- b) **Develop statewide agreement tying conservation to new supply development and agricultural transfers:** Through the IBCC and in consultation with the Basin Roundtables and other stakeholders as needed, develop a statewide agreement that links minimum conservation levels to the development of new supply and the conversion of agricultural water to municipal use (e.g., "if, then" statements indicating commitments from Front Range water providers to increase conservation before building new transmountain diversions **and/or utilizing permanently transferred agricultural waters. In turn, there would be** commitments from West Slope and agricultural leaders to support or remain neutral on new supply **or ATM** projects if certain conservation thresholds are met).
- c) **Support local entities in their efforts to outline and report their own approaches to help achieve the statewide goal:** As part of the BIP effort, providers should be encouraged to define and pursue an approach to their participation in the achievement of the statewide conservation goal. Providers should work with the IBCC, Basin Roundtables, and CWCB to outline how they will increase conservation in their own systems and how they will measure success in this effort.
- d) **Explore the best approach to implementation of standards to achieve goal:** Through research on approaches used in other states and/or on other issues within Colorado, assess

whether standards will be more successful (both politically and in terms of water conserved) if implemented through local approaches, an agreement signed by water providers, statewide approaches, legislation, support from the Governor, an Executive Order from the Governor, municipal code, incentives, etc. Initial consideration by the IBCC Conservation Subcommittee suggests that if the standard is voluntary, perhaps adopted through a legislative resolution or by the CWCB and IBCC, then it would need to be paired with incentives. If it is determined that the best approach is a legislative mandate, then this should likely only be applied to covered entities.

e) Develop and implement conservation standards, such as:

- **Best practices standard:** Standards based on which water conservation best practices have been implemented by the local utility/community (e.g., tiered rates, metering, and leak detection for all water providers, and a higher level for covered entities). By definition, these could be adapted to meet local needs.
- **Water use standard:** Statewide water use standard could be regionalized (e.g., residential gallons per capita per day, size and number of water taps, localized evapotranspiration rates).
- **Percent reduction standard:** Percent reduction in per capita demands and associated target date. This could allow for local decisions on which best practices to implement.
- **New water project standards:** The CWCB and IBCC could establish standards for proponents of new projects to implement conservation measures to at least the medium level in order to gain IBCC support.

Immediate Action Steps

Background

Challenges/Barriers

Water consumers who do not sufficiently reduce use through adoption of conservation technologies and/or behavioral changes will experience higher water rates. This presents a formidable political problem. While conservation has the potential to reduce a water provider's revenue requirements through avoided costs, it also has the potential to increase the per-unit cost of water (rate) due to the typical large fixed cost investments water providers assume. It can also lead to damaging revenue shortfalls if not accurately measured and predicted.

Opportunities

The ability to conserve water can be one of the most easily implemented strategies as well as an extremely effective overall water management strategy for water providers.

3) Continue to Support Local Implementation of Best Practices

Potential Future Action Purpose(s)

Local implementation of conservation best practices allows communities, providers, and basins to identify and execute appropriate, nuanced mechanisms for achieving water conservation goals. Taken together, local implementation of conservation best practices will reduce Colorado's projected M&I water supply gap, lessen the need for agricultural dry-up, and protect the state's rivers and streams.

The purpose of this section is to describe how state efforts can continue to support local entities through application of its tools and resources.

According to SWSI 2010, total municipal water use in Colorado is split fairly evenly between outdoor water use (46 percent) and indoor water use (54 percent). Indoor water use is roughly 5 percent consumptive, with the remainder available for reuse directly or through a downstream diversion. Outdoor water use, by contrast, is roughly 70 to 85 percent consumptive and is mostly used for landscape irrigation. Subsequently, best practices that limit municipal outdoor water use have the greatest potential for reducing the projected M&I supply gap. Each of the potential specific actions can address outdoor water use.

Potential Specific Actions

- a) **Continue implementation of state conservation programs:** Continued implementation of state conservation programs include:
 - Conservation plan review and approval: Continue reviewing and approving locally adopted water conservation plans in order to encourage long-term water conservation planning and quantification of water savings, and to ensure that water providers document their water conservation goals.
 - Water Efficiency Grant Fund: Utilize the Water Efficiency Grant Fund to ensure the implementation of water conservation best practices and to assist water providers with targeting their resources as efficiently as possible.
 - Targeting of communities with strategic conservation potential: Focus on opportunities for water conservation planning in areas where there are covered entities or a number of small water providers that can create a regional water conservation plan. This should especially be the case when conservation in such communities could help reduce the M&I water supply gap or lessen the need for agricultural dry-up or impacting nonconsumptive values.

- b) **Encourage use of levels framework and best practices guidebook:** Encourage water providers to use the [Water Conservation Levels Analysis framework](#) developed by the CWCB to move beyond the foundational base levels of conservation by providing a clear prioritization of future local conservation efforts. This framework can be used as a guide for which conservation best practices are appropriate, considering the goals of a water provider's conservation program. The levels framework establishes increasing levels of conservation efforts by water providers, including technical support, education, and local ordinances.

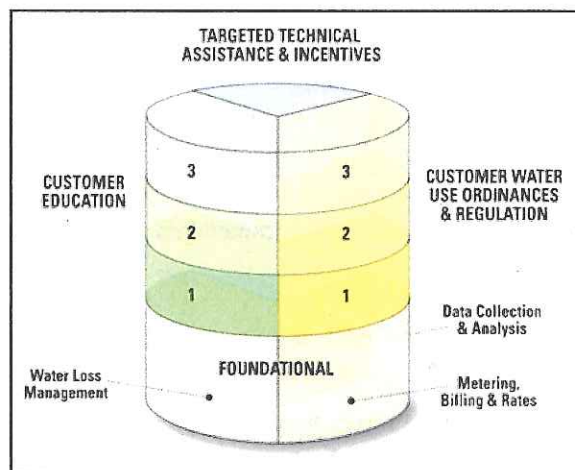


Figure 1. CWCB Conservation Levels Framework

Water loss management and metering, billing, and rates (including water budgets) are examples of foundational water conservation best practices.

Water loss control is the practice of system auditing, loss tracking, infrastructure maintenance, leak detection, and leak repair for water utilities. Water loss control is a major emerging issue due to extensive aging infrastructure throughout the state. Similar to HB 1051, there should be further consideration of legislation that would require entities above a certain size to report their audit data of their distribution system water loss.

Conservation-oriented rates, tap fees, or water budgets can be implemented, along with customer categorization within the billing system and full metering. Numerous studies have shown that conservation-oriented rates and tap fees effectively reduce water demands. Conservation pricing is often applied to manage a customer's demand for water by pricing discretionary water uses (such as landscape irrigation) at a higher rate than water used for basic human needs (such as drinking water and sanitation) (Pacific Institute/Alliance for Water Efficiency 2012). Conservation oriented rate structures can be inclining block rates, seasonal rates, and/or water budget-based rate structures. Water budget-based rate structures can produce demand reductions on the order of 10 to 30 percent based on the experience of some utilities (Mayer, et al. 2008)

There are numerous other examples of best practices; many of these are discussed in Appendix B.

Immediate Action Steps

4) Promote Enabling Conditions for Use of Conserved Water

Potential Future Action Purpose(s)

Developing appropriate storage and infrastructure will be necessary to utilize water conservation savings effectively. This "hardware" will need to be supplemented by "software" in the form of reduced legal and administrative barriers to using conserved water. Sharing conserved water between entities is a particularly challenging area when it comes to legal and administrative constraints. However, there are also significant barriers for entities hoping to save conserved water for their own future use. Entities wishing to share conserved water should be encouraged to explore creative business mechanisms, not just transfers of water rights.

Potential Specific Actions

- a) **Maintain and develop storage and infrastructure for the use of conserved water**
- b) **Promote incentives for the use of conserved water**
- c) **Identify and, where possible, resolve legal and administrative barriers to the use of conserved water**
- d) **Identify and explore barriers to sharing conserved water**

Immediate Action Steps

5) Develop New Incentives for Conservation

Potential Future Action Purpose(s)

Enhanced incentives to encourage water conservation could prove to be an effective and universally accepted strategy if properly structured. Current incentive programs, such as the Water Efficiency Grant Program, could be modified, and new programs could be created. Incentives for water conservation may include funding, regulatory benefits, or other methods. Incentives may have a link to various legislative concepts in the following section, as noted.

Potential Specific Actions

- a) **Explore funding options in support of the Water Efficiency Grant Program:** Expand and target funds in support of the Water Efficiency Grant Program to create more incentives for water conservation.
 - **Target Funding:** Funding could be targeted at communities with strategic conservation potential, as described above (under "Continue implementation of state conservation programs").
 - **Acquire Additional Funding:** Other grant/loan programs could be modified or created to supplement the Water Efficiency Grant Program. For instance, CWCB's loan program could be modified to allow loans for improvements to water provider distribution systems to minimize water loss. Additional funding could also be added to the grant program.
- b) **Develop professional education and certification programs:** Landscape professionals and plumbers could be required to receive training and certification in water conservation practices and technologies.
- c) **Develop new eligibility requirements for state grants and loans that include certain conservation levels or indications of commitment to conservation:** CWCB could develop new rules for state grants and loans that require providers seeking financial assistance to demonstrate a minimum level of conservation and/or a plan to increase conservation (i.e., by fixing leaks, implementing tiered pricing, educating customers, etc.).
- d) **Develop conservation standards for communities planning to use agricultural transfers or new supply for future water needs:** A minimum set of water conservation standards should be developed for adoption by those communities planning to use agricultural transfers or new supply for future water needs in order to ensure the maximum efficient use of that water. Potential standards include conservation oriented rate structures, maximum amount of turf grass allowed per residential lot, maximum per capita use rates, or water efficient irrigation and landscape standards.
- e) **Develop regulatory incentives that incorporate the following concepts:**
 - **Encourage a base level of conservation**
 - **Assess issues, benefits, and drawbacks of the current definition of "covered entities":** Consider increasing levels of conservation beyond that base level for "covered entities," defined as those water providers that deliver over 2,000 AF of water annually. The "covered entity" label could be expanded to include communities expected to grow into a 2,000 AF water system by 2050, even if they are smaller than that now.

- **Water markets:** Potential water right adjustments to allow structured markets to better share conserved water (CU savings only) regionally without adverse water rights implications if certain conservation standards are met.
 - **Small community support:** Additional funding, training, or other support from the state and/or larger water providers and agencies could help support and advance water conservation in smaller communities throughout the state.
 - **Permitting incentives.** Water providers that meet a certain threshold of conservation savings or best practices implementation could be offered state support and/or the facilitation of certain permitting approvals.
- f) **Support and encourage land use practices that help reduce water consumption, focusing as much as possible on incentives:** In 2010, CWCB produced a report titled [Colorado Review: Water Management and Land Use Planning Integration](#). Several local actions that could be used more broadly stemmed out of that report. These include:
- **Expedited permitting:** Permitting for buildings and developments could be expedited if the project incorporates certain water efficiency measures or high levels of density.
 - **Tax incentives:** There could be tax breaks if the project incorporates certain water efficiency measures or high levels density.
 - **Structure impact (tap) fees:** Use impact fees to promote water-wise developments and in-fill. These fees could be structured to penalize water inefficient or sprawling developments and/or to reward sustainable/dense developments.
 - **Regional collaborative planning:** Localized solutions are often not effective, since water demand may be transferred from one jurisdiction to one or many others. Therefore, regional solutions are critical and should be further explored. Some opportunities exist, such as engaging Council of Governments in water/land use discussions, identification of related regional planning efforts that are underway and including water issues, and the use of intergovernmental agreements.
 - **Integration:** Many other efforts are currently underway that could reduce regional water demand, but are not specifically aimed at achieving that purpose. There are many opportunities for developing partnerships with other water conservation efforts, sustainable/walkable neighborhood developments, energy conservation and CO₂ reduction programs, water quality programs, food security programs, transportation projects, market drivers, comprehensive plans, and many others.

Immediate Action Steps

6) Explore Legislative Concepts and Develop Support

Potential Future Action Purpose(s)

Conservation is considered an important part of meeting our future water supplies statewide. However, most water providers do not believe that medium or high levels of conservation can be achieved without statewide legislation. Without such legislation, there will continue to be concerns

regarding the reliability of conservation and how much can be applied to meet future water needs. While most of the large Front Range water providers agree that statewide legislation is needed, and the "Letter to the Governors" in 2010 also suggested such language, some stakeholders are skeptical that state legislation can be flexible enough to meet local operational needs. The large Front Range water providers have argued that many of their conservation efforts are approaching the maximum amount of conservation possible. In order to achieve the next levels of conservation, state support, perhaps in the form of legislation, will be needed to apply significant amounts of conservation to meet future M&I needs. Without such statewide support, there could be customer and voter backlash and communities may compete even more for development and growth opportunities, since one community could keep new housing costs down by not adopting a local ordinance. **The purpose of this section is to explore legislation that does not force individual water providers to increase their funding of conservation initiatives or conduct a specific conservation practice, but to allow for broad-based solutions that are largely supported by the plumbing, landscaping, and retail communities.**

Potential Specific Actions

- a) **Explore legislative options and support for indoor plumbing code standards**
 - The state should adopt and require water efficiency standards that meet or exceed WaterSense for indoor building codes for all new construction and renovation.
 - These standards could be strengthened and/or geared to new construction.
- b) **Explore legislative options and support for outdoor water efficiency standards**
 - The state should adopt and require water efficiency standards that meet or exceed WaterSense for outdoor use for all new construction and major landscape renovations.
 - These standards could be strengthened and/or geared to new construction.
- c) **Engage in outreach and education efforts to explain the need for legislation; develop political support**
 - Consult with IBCC, Basin Roundtables, and CWCB regarding legislation; include messaging components from education and outreach efforts (see Potential Future Action #6).
 - If there is support from IBCC, Basin Roundtables, and CWCB, consult with other stakeholders (providers, Colorado Municipal League, Colorado Counties, Inc., Club 20, Green Industries of Colorado, etc.).
 - Draft language for legislation or model ordinance language for further consideration and consultation with stakeholders.
 - If there is statewide support and success seems likely, proceed accordingly—find a sponsor, garner support, etc.

Immediate Action Steps

Timeframe

- Any legislation should allow lead time for implementation and should be built on dialogue and consensus before moving forward.

7) Implement Education and Outreach Efforts

Potential Future Action Purpose(s)

Education is critical to conservation, since many of the savings require behavior changes. If legislation is required to implement water conservation measures, a significant education initiative will be needed.

Potential Specific Actions

a) Track public attitudes through baseline and ongoing surveys:

- Forthcoming results from the state's value of water survey, the communications roadmap document, and other efforts will be used to inform conservation outreach, policy, and educational efforts.
- Resurvey the public in the future with consistent questions to gauge understanding and support for water conservation in Colorado.

b) Develop statewide messaging and use focus groups to refine and guide implementation:

Encourage a culture of water conservation similar to the ethic of recycling that currently exists through local education. This could also be accomplished by initiating statewide education and messaging about water conservation with a simple unified message. Since Colorado residents will be the ones who implement conservation, the message must reach them. While there are several options for how to do this, one approach could be to develop tools to support conservation and water education. This could include coordination with the WaterWise Council's current effort on creating a value of water toolbox for provider or regional outreach efforts. The Value of Water survey suggests that regional groups are the most trusted source by the public.

c) Develop decision-maker outreach strategies:

- **Water provider summit:** A water provider summit could be developed where water providers with sophisticated water conservation programs can help interested water providers further improve their programs.
- **PEPO decision-maker outreach strategy:** The Public Education, Participation, and Outreach (PEPO) workgroup of the IBCC has developed a strategy that supports Basin Roundtable efforts to reach out to decision-makers in their communities and engage in additional statewide outreach efforts.
- **Coordinated outreach efforts to help local jurisdictions adopt ordinances and/or conservation best practices:** Determine which communities could use assistance and work with them to explore solutions that will work for them.
- **CWCB statewide water efficiency workshops:** CWCB will conduct statewide water efficiency workshops in Fall 2013 and Spring 2014, centered around the CWCB Conservation Planning and Technical Support Program (SWSI Levels Framework, Best

Practice Guidebook and the Municipal Water Efficiency Plan Guidance Document and Sample Plan).

- d) **Pursue a coordinated media campaign (either statewide or by individual utilities):** Entities throughout the state (including CWCB, providers on both sides of the Divide, and nongovernmental organizations) could work together to implement a coordinated media campaign that seeks to develop a statewide water conservation ethic similar to past efforts to develop a common recycling ethic.

Immediate Action Steps