



August 21, 2014

Water Resources Review Committee  
Colorado State Legislature  
State Capitol Room 029  
Denver, Colorado 80203

RE: Pitkin County Healthy Rivers & Streams Board Comments Concerning the Colorado Water Plan

Dear Members of the Water Resources Review Committee:

The Pitkin County Healthy Rivers and Streams Board ("River Board") assists the Board of County Commissioners of Pitkin County in administering the Healthy Rivers and Streams Fund Program authorized by Pitkin County voters. The voter mandated goals of the River Board include maintaining and improving water quality and quantify within the Roaring Fork watershed working to secure, create and augment minimum stream flows to ensure ecological healthy, recreational opportunities, and wildlife and riparian habitat. The River Board is writing to echo concerns and recommendations regarding the Colorado Water Plan made by the Board of County Commissioners of Pitkin County; specifically that three issues be considered in statewide planning for water resources: (1) Support for 1041 powers; (2) Accounting for transbasin diversion consumptive use in Compact compliance; and (3) Support for RICDs and Wild & Scenic designations.

The Areas and Activities of State Interest Act ("1041 Review") properly vest local governments with the power and ability to require appropriate mitigation measures for projects of statewide interest. Local governments, such as Pitkin County, are in the best position to identify and require adequate mitigation measures for negative local impacts of such projects. Transbasin diversions and other projects of statewide interest which are implicated or propounded by the Colorado Water Plan must be subject to robust 1041 Review. Recognition of the importance of 1041 Review powers and enhancement and extension of those powers should be supported and encouraged by the water plan.

A Colorado River Compact ("Compact") call would impose a statewide obligation to provide water to the Lower Basin states. As an obligation of the entire state, compact compliant diversion curtailments need to be commensurate with consumption for all basins of use. There must be a recognition of the disparate impact a transbasin diversion, which originates in the Roaring Fork basin and is used to exhaustion by a South Platte basin user, has on Colorado's ability to meet that statewide obligation. Fully consumptive transbasin diversions are an



inherently greater hit to the Colorado River system than diversions by users in the Roaring Fork basin, as in basin return flows contribute to the water available to meet a compact call. An effective statewide water plan will recognize and account for this disparity.

Hesitation or fear to support Recreational In-Channel Diversions ("RICD") and Wild & Scenic designations in the Colorado Water Plan would be misguided. These water rights and recognitions facilitate administration of the Colorado River; they are tools for compact compliance - making more water available to meet compact obligations. Supporting the stream health of Colorado's natural environment should be an integral part of the Colorado Water Plan and Compact compliance preparation.

Thank you for the opportunity to comment. We encourage you to support the inclusion of these concerns and recommendations in any legislation concerning the state water plan.

**PITKIN COUNTY HEALTHY RIVERS AND  
STREAMS CITIZEN ADVISORY BOARD**

Sincerely,

A handwritten signature in blue ink, appearing to read "Andre Willie".

Andre Willie, Chairman