



Authority Board Chair: Lora Thomas
Authority Board Vice-Chair: Laura Cavey
TAC Chair: Weston Martin
TAC Vice-Chair: Ryan Adrian

CHATFIELD WATERSHED AUTHORITY BOARD MINUTES

**Chatfield Watershed Authority Board Meeting
January 24, 2022
3:00 p. m. – 5:00 p. m.**

Hybrid

**Highland Heritage Park Administration Building, 9651 S Quebec St., Highlands Ranch, CO
80130 80129, Parks Conference Room**

Board of Directors:

Director Lora Thomas (Chair) – Douglas County
Director Lesley Dahlkemper – Jefferson County
Director Barbara Biggs – Water and Sanitation Districts
Director Alison Witheridge – Other Districts
Director Laura Cavey (Vice-Chair) – Town of Castle Rock

Wes Martin (Plum Creek)
Diane Kielty (Colorado Watershed Assembly)
David Van Dellen (Town of Castle Rock)
Josh Baile (Dominion WSD)
Alan Leak (RESPEC)
Matt Collitt (Louviere WSD)
Ted Snailum (TWS Financial)
Dan McCarl (SSD)
Sarah Klahn(SSD)
Joni Nuttle (CDPHE)

Others Present:

Pat O’Connell (Jefferson County)
Ryan Adrian (Douglas County)

3:00 p.m.

Call to Order

- **Introductions and Member Disclosures**
A regular meeting of the Chatfield Watershed Authority was called to order at 3:03 p.m. by Director Thomas. A quorum was declared established. There were no disclosures.

ACTION/APPROVAL ITEMS (3:05 P.M. – 3:35 P.M.)

A. APPROVAL OF AGENDA

It was moved to approve the agenda as presented by Director Cavey and seconded by Director Dahlkemper; motion carried unanimously.

B. APPROVAL OF MEETING MINUTES

Approval of Chatfield Watershed Authority November 15, 2021 Board Meeting Minutes.

It was moved to approve the November 15, 2021 Board meeting minutes as presented by Director Biggs and seconded by Director Cavey; motion carried unanimously.



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C. APPROVAL/RATIFICATION OF INVOICES

The table summarizes the invoices included in the meeting packet. (*Attachments 2 – 11*)
 Total of 13 invoices in the amount of \$30,834.32 for approval and ratification.

Invoices < \$5,000 and within Budget and Scope (Manager’s Approval)	
SSD November 2021 Invoice 3012298_Policy Revision Project	\$78.00
SSD November 2021 Invoice 3012297_WQCD-WQCC	\$416.00
SSD November 2021 Invoice 3012296_General	\$1,664.00
SSD December 2021 Invoice 3012575_WQCD-WQCC	\$182.00
SSD December 2021 Invoice 3012574_General	\$988.00
Lynker_12 31 21 Chatfield_Watershed_Invoice	\$30.00
Lynker_11 20 21 Chatfield Invoice	\$3,505.00
Lynker_10 31 21 Chatfield_Watershed_Invoice	\$3,205.00
TWS_Oct 2021_Inv_20716_from_TWS_FINANCIAL_INC._1488	\$750.00
TWS_Nov 2021 Inv_20764_from_TWS_FINANCIAL_INC._16916	\$750.00
RESPEC_W0035-Chatfield-INV-30NOV2	\$3,155.00
RESPEC_W0035-Chatfield-INV-31OCT21	\$4,810.32
Invoices \$5,000 - \$15,000 and within Budget and Scope (TAC Approval*)	
CO Assembly Invoice_Chatfield 4th Q_2021 023	\$11,301.00
Invoices > \$15,000 and/or any Amount not within Budget or Scope (Board Approval)	
*Also requires post-payment Board ratification at next quarterly Board Meeting	

It was moved to approve the Colorado Watershed Assembly 4th quarter invoice for \$11,301.00 by Director Witheridge and seconded by Director Cavey; motion carried unanimously.

It was moved to ratify all invoices presented for a total of \$30,834.32 by Director Dahlkemper and seconded by Director Witheridge, motion carried unanimously.

D. BOARD ELECTION OF 2022 CHAIR AND VICE-CHAIR

Director Cavey requested that Director Thomas continue as Chair and Director Cavey serve as Vice-Chair in 2022. There was agreement among the Board that this is the best approach for continuity as the Authority approaches rulemaking hearings.

It was moved to approve Director Thomas as Board Chair and Director Cavey as Board Vice-Chair for 2022 by Director Biggs and seconded by Director Dahlkemper; motion carried unanimously.



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E. APPROVE DESIGNATION OF PUBLIC NOTICE LOCATION (DAN MCCARL) (*ATTACHMENT 12*)

CWA By-laws state that the public notice location be disclosed annually. It was recommended that posting remain on the CWA website as it has been historically.

It was moved to approve posting public notices on the CWA website in 2022 by Director Biggs and seconded by Director Witheridge; motion carried unanimously.

F. PUBLIC HEARING: APPROVAL OF PROPOSED CWA POLICY CHANGES & BYLAW AMENDMENT (DAN MCCARL) (*ATTACHMENT 13*) [FINAL-NOTICE-PACKET-JAN.-6-2022.PDF](#) (CHATFIELDWATERSHEDAUTHORITY.ORG)

The specific policies proposed for amendment include the Authority's Trading Guidelines, Site Application Policy and Cost of Review Policy, and the specific bylaws proposed for amendment are §§ 9.3.2 and 9.3.3. The recommended amendments incorporate input from the TAC, the Water Quality Control Division, and the Authority's other consultants, and have been made available for public review and comment.

The primary purpose of the recommended amendments to the Authority's bylaws is to clarify that the TAC is authorized to act on trade applications on behalf of the Authority, subject to appeal to the Authority Board. The existing version of the Trading Guidelines as well as the proposed revised version of the Trading Guidelines both provide that the TAC may act on trade applications on behalf of the Authority. However, the Authority's bylaws would be improved by clearly delegating this decision-making authority to the TAC.

The amended bylaws would also specify that an appeal of a TAC decision is limited to a three (3) page notice of appeal letter made to the Board, and that the record on appeal is limited to the record before the TAC (i.e., the materials for review are limited to the materials presented to the TAC). This will allow the Board to review and decide appeal cases in a timely manner so that applicants can move their applications forward with the Division and the Commission, the ultimate decision-making entities on trade applications.

The Division had two suggestions, clarify in the policy that the Division may accept or deny trade applications, and in the site application the Authority consider tailoring the reference to Cherry Creek by replacing Cherry Creek references in the document and adopting it. A comment from Town of Castle Rock was received suggesting that limitations on non-point source to point source trades based on land-use changes, including those within MS4 boundaries, would be most appropriately placed in the Authority's Trading Guidelines rather than the Control Regulation.

The meeting was opened for public comment. Joni Nuttle with CDPHE agrees with Town of Castle Rock suggestion. Also, reference in the guidelines to the Colorado Pollutant Trading guidelines offers more flexibility in modifying criteria as needed.



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Somach Simmons and Dunn recommended the Board solicit and consider any public comment regarding the proposed bylaws and policy amendments, and, accounting for any public comment, motion to adopt all amendments to include modification to the site application policy on page 2 to be revised to read “reviewing, approving, or denying” which differs from the Board packet.

It was moved to approve the bylaws and policy amendments as recommended by Somach Simmons and Dunn by Director Biggs and seconded by Director Dahlkemper; motion carried unanimously.

Action: SSD will send the final with approved changes to the Division and Director Thomas for signature.

INFORMATIONAL ITEM (3:35 P.M. – 3:50 P.M.)

- A. Dominion Presentation to TAC on Regional Wastewater Treatment Timeline (Alan Leak) (*Attachment 14*) TAC received presentation from Dominion WSD for a rainwater proposal they are bringing to Douglas County and included an initiative for the regionalization of wastewater supplies. One request was for a letter of support. TAC was advised not to provide letters of support for projects that may be subject to the CWA review process.

UPDATES (3:50 P.M. – 4:55 P.M.)

A. TECHNICAL (ALAN LEAK)

1. WQCD Pine Canyon Clarification of MS4 Trade Decision, 12-02-2021 (*Attachment 15*) A follow-up letter was received from CDPHE on the applicability of the MS4 trade on the Pine Canyon project that provides more detail on why the determination was made that the trade was not feasible.
2. Chatfield Reservoir Mitigation Company Meeting Update – CRMC agreed to one meeting to discuss linkage of models. Once the Lynker modeling is complete this meeting will take place. Director Biggs asked to be included in this meeting.
3. WQ Update (*Attachment 16*) – CWA is back in compliance with the phosphorus and chlorophyll a standards. Graphs were provided.
4. 2021 Chatfield Annual Report – The annual report is due in May. RESPEC will be sending an email requesting two items, 1) projects that were done by the members to improve WQ, and 2) inspection violations report. It was asked that members review the 2020 report to give feedback on how to improve CWA’s Annual Report and consider what CWA might like to see in the report.



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5. Regulation #72 Cherry Creek – There is a rulemaking hearing that is limited scope that will be held in April. It was recommended that Chatfield not become an interested party in this ruling.

B. LEGAL (DAN MCCARL)

1. Regulatory Update (*Attachment 17*)
 - a. Regulation #73 Rulemaking – The Division has been conducting stakeholder meetings. The Authority has taken the position that the Authority guidelines include the review of MS4 permits and MS4 not be put in the regulation. There was a request to delay the hearing and release a draft set of issues that removes the MS4 discussion. It was suggested that this discussion take place in the Executive Session at the end of this meeting.
 - b. Lakes Nutrient Criteria Rulemaking – A rulemaking is to take place this year. While the potential regulatory outcomes of the Division’s Lakes Nutrient Criteria rulemaking are not yet clear, it appears likely that the TMAL that governs phosphorous concentrations within the Chatfield watershed could be revised. This could affect existing phosphorous allocations and the Authority’s trading program. More broadly, new nutrient concentration standards would affect the short- and long-term water quality health of the watershed. The rulemaking will be available for comment in a March/April timeline when the draft criteria will be released. The analysis that goes into these standards should be reviewed. If we have challenges, this should be addressed during the upcoming rulemaking on nutrients.
 - c. General Regulatory - None

C. FINANCIAL (TED SNAILUM)

1. Financial Summary November 2021 (*Attachment 18*) The November 2021 summary was presented.
2. Year End 2021 Budget Update was provided as informational only.
 - a. RESPEC contract \$5800 below budget 2021
 - b. Lynker contract \$25,855 below budget 2021
 - c. NotchCode contract \$2,888 below budget 2021
 - d. Somach Simmons & Dunn contract \$1,258.28 over budget 2021

D. MANAGER (DIANE KIELTY)

1. Website Upgrade Status (*Attachment 19*) A presentation will be provided during the February TAC meeting to discuss structure and needed content.
2. CWA Contract Extensions have all been executed.



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3. CWA Member Invoicing has been distributed. If you have questions, please contact the Program Manager.
4. Chatfield Fundraising Initiative is in planning. Actions and time commitment are being evaluated to provide a cost estimate.

E. MEMBER INPUT

None.

F. EXECUTIVE SESSION

An Executive Session was called for items 2 and 4 listed below.

1. Policy Review Project & Bylaw Amendment (§ 24-6-402(4)(b), C.R.S.)
2. Regulation #73 Stakeholder Meeting (§§ 24-6-402(4)(b), 24-6-402(4)(e), C.R.S.)
3. Lakes Nutrient Criteria Rulemaking (§ 24-6-402(4)(b), C.R.S.)
4. Responding to requests for Letters of Support (§ 24-6-402(4)(b), C.R.S.)

A motion was made by Director Biggs to receive advice from legal counsel and to include in the Executive Session Pat O'Connell, Weston Martin, David Van Dellen, Ryan Adrian, Sarah Kahlm, and Alan Leak. The motion was seconded by Director Cavey; motion carried unanimously.

No decisions were made in the Executive Session. Regulation 73 was discussed.

Dan McCarl informed the membership that he has accepted a position with the Justice Department and will be leaving the SSD firm. Sarah Klahn with SSD will be working with CWA as the firm consultant going forward.

UPCOMING MEETINGS (4:55 P.M. – 5:00 P.M.)

A. Next Scheduled TAC Meetings:

- a) Tuesday, February 1, 2022: 2:00 – 4:00 p.m., Google meet Online

B. Next Scheduled Board Meeting:

- a) Monday, April 18, 2022: 3:00 – 5:00 p.m., Hybrid Live/Online

Live Address: 100 Jefferson County Parkway
Golden, CO 80419

Directions and parking details

<https://www.jeffco.us/2051/Driving-Directions>

- Parking – once through the roundabout, head toward the building, guests can park in either of the top-level parking areas to the left or right



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- Enter the building and go to your left (unsecured side)
- Once at elevators, head to your right and look for signs for Chatfield Watershed Authority/Faye Griffin Room (just pass Hearing Room 1)

4:36 pm

Adjournment

ATTACHMENTS

Attachment 1 – November 15, 2021 Board Meeting Minutes
Attachment 2 – SSD MultipleInvoices November 2021
Attachment 3 - SSD MultipleInvoices Dec 2021
Attachment 4 -Lynker_12 31 21 Chatfield_Watershed_Invoice
Attachment 5 - Lynker_11 30 21 Chatfield_Watershed_Invoice
Attachment 6 -Lynker_10 31 21 Chatfield_Watershed_Invoice
Attachment 7 -TWS_Oct 2021_Inv_20716_from_TWS_FINANCIAL_INC._1488
Attachment 8 - TWS_Nov 2021 Inv_20764_from_TWS_FINANCIAL_INC._16916
Attachment 9- Respec_W0035-Chatfield-INV-31 OCT 21 (1)
Attachment 10- RESPEC_W0035-Chatfield-INV-30NOV2
Attachment 11 - CO Assembly Invoice_Chatfield 4th Q_2021 023
Attachment 12 -SSD Action Memorandum RE Public Notice - CWA Board Meeting
Attachment 13 - SSD Action Memorandum RE Bylaw Amendments, Policy Revisions with Exhibits
Attachment 14 -Water_Demand_Regional_WWTP_2021_12
Attachment 15 -WQCD correspondence_Pine Canyon_Clarification of MS4 trade decision
Attachment 16-Growing Season TP and Chla
Attachment 17- FINAL Public Legal Report - CWA TAC (Dec. 29, 2021)
Attachment 18- November Financial Summary
Attachment 19-Chatfield Watershed Website Structure