



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

CHATFIELD WATERSHED AUTHORITY BOARD AGENDA

Chatfield Watershed Authority Board Meeting
Monday, October 17, 2022
3:00 p. m. – 5:00 p. m.
Hybrid Live / Virtual

Board of Directors:

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

Alan Leak (RESPEC)
Michael Daugherty (SSD)
Jon Erickson (Chatfield State Park)
Sean Hogan (Town of Larkspur)
Tom Wildeman (Colorado School of Mines)
Cathy Begej (JCD)
Kris Wahlers (DNR)
Brad Robenstein (Douglas County)
Mathew Collitt (Louviers WSD)
Ted Snailum (TWS Financial)
Josh Baile (Dominion WSD)
Charly Hoehn (CRMC)
Kevin Bierlien (Hydros Consulting)
Kurt Walker (Pine Canyon)

Others Present:

Patrick O’Connell (Jefferson County)
Wes Martin (Plum Creek)
Diane Kielty (Colorado Watershed Assembly)
David Van Dellen (Town of Castle Rock)

3:00 pm Call to Order

A regular meeting of the Chatfield Watershed Authority was called to order at 3:04 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 acclimation.

B. APPROVAL OF MEETING MINUTES

It was moved by Director Witheridge to approve the July 25, 2022 Board meeting minutes and seconded by Director Biggs; motion carried unanimously.

C. APPROVAL/RATIFICATION OF INVOICES

The table summarizes the invoices included in the meeting packet. Total amount of invoices for board approval and ratification \$50,938.13.



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It was moved by Director Witheridge to ratify and approve the invoices presented at a total of \$50,938.13 and seconded by Director Cavey; motion carried unanimously.

Invoices < \$5,000 and within Budget and Scope (Manager’s Approval)	
RESPEC_W0035.22002-CWA-June INV-30JUN22	\$1,230.00
RESPEC_Pine Canyon_3970.02-CWA-INV-30JUN22	\$307.50
Chatfield Vol Assess_CWUC Invoice_Lakes Nutrient Study Review	\$5,000.00
SSD General Chatfield Invoice 3014636_July 2022	\$3,659.13
SSD WQCC-WQCD Chatfield Invoice 3014637_July 2022	\$52.00
SSD Lakes Nutrients Rulemaking Chatfield Invoice 3014638_July 2022	\$1,817.50
TWS_July 2022_Inv_21989_from_TWS_FINANCIAL_INC._15488	\$750.00
TWS_August 2022_Inv_21990_from_TWS_FINANCIAL_INC._15488	\$750.00
TWS_Sept 2022 Inv_22033_from_TWS_FINANCIAL_INC._13420	\$750.00
SSD General Chatfield Invoice 3014848_August 2022	\$1,573.00
SSD WQCC-WQCD Chatfield Invoice 3014849_August 2022	\$126.00
SSD Reg. 73 Triennial Review Chatfield Invoice 3014850_August 2022	\$78.00
Lynker_09 15 22 Chatfield_Watershed_August Invoice	\$120.00
Invoices \$5,000 - \$15,000 and within Budget and Scope (TAC Approval*)	
CO Watershed Assembly_Chatfield Invoice 2022 010_2 Q_Final	\$ 8,370.00
RESPEC_W0035.22002-CWA-INV-31JUL22	\$5,330.00
RESPEC_W0035.22002-CWA-INV-31AUG22	\$9,280.00
SSD Lakes Nutrients Rulemaking Chatfield Invoice 3014851_August 2022	\$11,865.00
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	

D. APPROVE 2023 CWA DUES RECOMMENDATION (ALAN LEAK)

The 2023 dues recommendation was to keep the same dues as 2022 which reflects a 20% increase. It was noted that Sacred Heart is shown as obligated to pay dues. Sacred Heart payments are voluntary.

A motion to approve the proposed 2023 dues as presented in the 2023 CWA Dues Worksheet was made by Alternate Director Kerr and second by Director Cavey. Motion carried unanimously.



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E. OPTIONS FOR PURSUING ADDITIONAL FUNDING FROM THE STATE (MICHAEL DAUGHERTY)

The Board was presented with four options to consider Board should vote on which of the following regarding potential sources of additional CWA funding and the cost impacts of each of those options. The options were 1) discontinue the effort to pursue additional funding, 2) postpone the effort until the lakes nutrients rulemaking proceeding has concluded then re-evaluate the CWA budget, 3) pursue additional discussions with Colorado Parks and Wildlife and the Department of Natural Resources regarding sources of potential additional funding for CWA and, 4) consider amending state statute to provide a source of funding for CWA.

There was discussion around Cherry Creek Park Reservoir's funding mechanism. Cherry Creek is holding on acting on pursuing inclusion in the Keep Colorado Wild program to allow a full funding cycle to determine impacts. The Keep Colorado Program goes into effect January 2023. It was pointed out that Cherry Creek already has an add on fee at the Cherry Creek Reservoir Park gate which they use to protect water quality.

The CWA budget forecast shows a need for \$120,000 a year for the next five years for CWA to continue serving its mission. A new tax or fee is not a viable option. The next legislative session begins in January 2023 and continues through June 2023. CWA will need to make decisions by the November CWA board meeting if it intends to pursue specific actions from the four alternatives recommended.

Action: Prepare and announce a request for proposals from lobbyists. Continue discussions with CPW/DNR and determine how to move forward to address common interest of water quality in the reservoir and watershed.

PRESENTATION (3:35 P.M. – 4:00 P.M.)

A. COLORADO SCHOOL OF MINES FIELD SESSION (TOM WILDEMAN, EMERITUS FACULTY, COLORADO SCHOOL OF MINES)

CSM presented on the past three years of Environmental Engineering Field Session in the Chatfield Watershed. An outline of the overall objectives and accomplishments was provided. Hazardous conditions were discussed, and actions were recommended to address them. Presentation available by request.



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DISCUSSION ITEMS (4:00 P.M. – 4:30 P.M.)

A. LAKES NUTRIENTS CRITERIA RULEMAKING (MICHAEL DAUGHERTY & ALAN LEAK) [LEGAL REPORT LINK](#)

An overview on the status of the rulemaking was provided. RESPEC has asked the Division to provide clarification on the total nitrogen data they are using to calculate and devise the standard. This information is necessary to understand the potential ramifications. There were no questions.

B. CWA 2023 BUDGET AND 2023-2028 PLANNING BUDGET (ALAN LEAK)

A review was made on the budget forecast provided in the meeting packet. The forecast reflects increases due to inflation and anticipated rulemaking actions. The proposed additional Lakes Nutrients rulemaking in 2027 to complete the lakes/nutrients standards for all Colorado reservoirs and streams is an unknown. The 2023 rulemaking hearing is of direct interest to CWA. The Regulation 73 hearing will determine wasteload allocations for MS4 entities as they are now considered to be point sources. If CWA chooses to not participate in this rulemaking process, it will not have a direct voice in determining the proposed TMAL allocations nor other possible revisions that, if adopted, may not be in the best interests of the CWA members. RESPEC suggested CWA be involved in both rulemaking processes.

Action: Prepare final 2023 budget for November board approval.

UPDATES (4:30 P.M. – 4:55 P.M.)

A. TECHNICAL (ALAN LEAK)

1. Response actions to Sun Jelly WWTD wasteload allocation violations update - Correspondence in the meeting packet from CDPHE to Sun Jelly stating significant noncompliance. RESPEC recommended CWA monitor and participate in this action. Should the Division ask Sun Jelly to amend by way of funding projects to be performed in the watershed, CWA should participate in the project selection process.
2. WQCD Pine Canyon Site Application Status – There has been no action.
3. [Annual Presentation to the WQCC](#)
 - a. WQCC Correspondence CWA 2021AR – The annual report was well received. When resources allow, the division recommended focused monitoring to evaluate nonpoint source projects in the watershed to document nonpoint source loadings and project effectiveness.
4. West Plum Creek Stream Management Plan Update – They are working to get residents on board to support this plan. Information from the plan would allow them to go after grants.



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The intent is to develop cooperative projects.

<https://sites.google.com/peakfacilitation.com/westplumcreek/home>

5. Water Quality Update – Slide presented.
6. Chatfield Reservoir Mitigation Company Update – None.
7. Other Member – None.

B. LEGAL (MICHAEL DAUGHERTY)

1. Regulation 73 Rulemaking Update [Legal Report Link](#) – Discussed earlier during the discussion items.

C. MANAGER (DIANE KIELTY)

1. Chatfield Election Schedule – The election schedule for the W&S and Other members was provided in the packet. Nominations are due to the Program Manager by October 28th. There has been one nomination received. There was a request from the Board to reach out to TAC members and solicit more nominations.
2. Chatfield 2023 Meeting Schedule Draft – The draft schedule was reviewed. The Board agreed to go with the same hybrid format for the 2023 meeting schedule.

Action: Prepare a final 2023 meeting schedule for approval at the November board meeting.

D. FINANCIAL (DIANE KIELTY)

1. August 2022 Financial Summary – TWS financial presented the August financial summary.
2. 2021 Audit Exemption Completed and Submitted.

C. EXECUTIVE SESSION

24-6-402(4)(b) C.R.S. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions.

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

A. Next Scheduled TAC Meetings:

- a) Tuesday, November 1st, 2022: 2:00 – 4:00 p.m., Google Meet Online

B. Next Scheduled Board Meeting:

- a) Monday, November 14, 2022: 3:00 – 5:00 p.m., Hybrid Live & Online

LIVE:



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

VIRTUAL:

Individual Virtual Links Sent to Members and Consultants via Douglas County Virtual Meeting System

5:00 p.m.

Adjournment

ATTACHMENTS

- Attachment 1 – Chatfield WA Board_July 25 2022_Minutes_v1*
- Attachment 2- RESPEC_W0035.22002-CWA-INV-30JUN22*
- Attachment 3- RESPEC_Pine Canyon_3970.02-CWA-INV-30JUN22*
- Attachment 4- Chatfield Vol Assess_CWUC Invoice_Lakes Nutrient Study Review*
- Attachment 5- SSD_MultipleInvoices*
- Attachment 6- TWS_July 2022_Inv_21989_from_TWS_FINANCIAL_INC_15488*
- Attachment 7- TWS_August 2022_Inv_21990_from_TWS_FINANCIAL_INC_15488*
- Attachment 8- TWS Sept 2022 Inv_22033_from_TWS_FINANCIAL_INC_13420*
- Attachment 9- SSD_MultipleInvoices August 2022*
- Attachment 10- Lynker_08 31 22 Chatfield_Watershed_Invoice*
- Attachment 11- CO Watershed Assembly_Chatfield Invoice 2022 010_2 Q_Final*
- Attachment 12- RESPEC_W0035.22002-CWA-INV-31JUL22*
- Attachment 13- RESPEC_W0035.22002-CWA-INV-31AUG22*
- Attachment 14- SSD_CHATFIELD INVOICE LISTING 2022 SERVICES TOTALS 09152022*
- Attachment 15- ACTION MEMORANDUM_CWA_2023 dues-*
- Attachment 16- Action Memo re legislative funding options*
- Attachment 17- DISCUSSION MEMORANDUM_CWA_2023 Budget and 2023-2028 Planning Budget*
- Attachment 18- COX631080 - CDPHERM WTR Compliance Advisory*
- Attachment 19- Letter to WQCC regarding Non-compliance of Sun Jelly WWTF*
- Attachment 20- 2022_09_07 CDPHE - Pine Canyon Response Letter*
- Attachment 21- PEL200642*
- Attachment 22- WQCC Correspondence CWA 2021AR*
- Attachment 23- WQ Update*
- Attachment 24- Election Schedule 2023*
- Attachment 25- Chatfield Watershed Authority Schedule 2023_v1*
- Attachment 26- Chatfield Financial Summary_August_20221007134551*
- Attachment 27- Resolution_Scanner_20220907_140020*
- Attachment 28- Chatfield Audit Exemption_20220902141631*