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Investing in Public Water Education

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Investing in Public Water Education

about the prospect of legally requiring water providers to deliver recreational flows and said, "I am not sure that those flows are the responsibility of the state to provide." Drew Peternell mentioned the RICD Program and suggested the state should protect recreational values in rivers that do not currently have RICD protection with a water right or protective measure that goes beyond RICD's. Amy Beatie believes adequate protections for recreational flows are in place because the Colorado Supreme Court acknowledged recreational use as a beneficial use. Beatie posited to the extent that recreational flows are "important to communities, they may be appropriated just like any other water right for a beneficial use." Justice Hobbs opined on the matter of recreational flows stating, "we should be optimistic." Hobbs does not believe Colorado needs to amend its constitution to address issues arising from recreational flows because he trusts the minds of the next generation to create new policies that serve all water users.

Some themes emerged throughout the afternoon of speakers as they discussed the ISF Program in the context of Colorado water law. Speakers stressed the ISF Program's balance and flexibility as its strong points and highlighted Colorado's role in water rights innovation. The concern about recreational flows and the RICD Program demonstrates the next horizon of innovation for instream water rights. Hobbs', Eklund's, and Beatie's optimism and enthusiasm for the future of water law and policy in Colorado left many attendees with a smile as they trickled downstairs for the reception.

Emily Dowd

COLORADO WATER CONGRESS ANNUAL CONFERENCE 2014: OUR WATER PLATFORM

INVESTING IN PUBLIC WATER EDUCATION

Denver, Colorado January 29-31, 2014

The Colorado Water Congress held its annual convention at the end of January at the Hyatt Regency Denver. On the last morning of the convention, Nicole Seltzer, the Executive Director of the Colorado Foundation for Water Education, moderated a four panel discussion titled "Platform Plank V: Investing in Public Water Education." The discussion focused on effective ways to engage citizens in the water permitting process. Seltzer explained the importance of educating the public to help make them a partner in problem solving. The panelist included Rick McCloud, the Water Resources Manager of the Centennial Water and Sanitation District; David Nickum, the Executive Director of Colorado Trout Unlimited; Brian Werner, the Public Information Officer of Northern Water; and Lurline Curran, County Manager of Grand County. The four panelists represented a range of perspectives and commented on effective ways to facilitate public input. They each commented on the purpose of public involvement, the issues associated with public communication, and suggested ways to make public communication in the permitting process more effective.

Rick McCloud of the Centennial Water and Sanitation District spoke of his challenges and victories with public engagement in the Chatfield Reallocation Project, a project aimed at expanding the Chatfield Reservoir. McCloud acknowledged that the federal requirement is the underlying reason for public involvement in the water permitting process. However, his team also realizes that their projects impact people and it is in the organization's self-interest to receive public input from people who have superior knowledge. McCloud admitted that it is often challenging to have meaningful public involvement because there is frequently a great disconnect in communicating some of the fundamental issues of a project. When such disconnect arises, people tend to make untrue conclusions about the plan, he noted.

To ameliorate communication issues, McCloud suggested agencies should engage the public more than the required federal minimum. There should be open, honest, and straightforward attempts to involve the public early because the days of backroom decisions are over. McCloud implemented his suggestions in the Chatfield Reallocation Project. Because Chatfield is such a beloved and highly visited Colorado park, McCloud said they made it their mission to inform the public early and often so their plans to alter the park would not surprise the park visitors. His team created a public relations program where they handed out flyers to park visitors, posted signs in the park, created a website, and also managed a hotline for people to call and comment about the project. McCloud also stated they held a series of monthly meetings to discuss the mitigation plans for the park, and four out of the five environmental firms found reasons to support the project.

David Nickum of Trout Unlimited represented the public interest group voice among the panelists. He spoke to how groups like his involve citizens in the water permit process. Nickum noted that public interests groups allow a large number of people to organize and let the interest groups publicly reflect their values. He explained that involving the people who live near a proposed project in the permitting process is extremely important. Those are the people who will care the most and give the greatest insight because they see the area on a day-to-day basis.

Nickum also highlighted the lack of dialogue present in the federal permitting process. He stated that the federal requirements provide a "propose and respond" kind of process, where people just submit comments and the agency responds. When asked about potential solutions to more effectively engage the public, Nickum suggested the integrated licensing process is a good model because it frontloads the public input. Getting the public involved early helps navigate what issues require closer study. This process is also beneficial because it encourages public dialogue and helps the agency seem more credible to the public. Additionally, he noted, the more public engagement before triggering the National Environmental Protection Act ("NEPA"), the quicker the NEPA process runs.

Brian Werner of Northern Water has worked with the public agency for 32 years and spoke of his experience with public involvement on the Windy Gap Project. The purpose of public involvement is to figure out how to make projects better. Also, Werner remarked, "the public gets us to a place where we can build the project."

For Werner, the length of permitting process is the most frustrating aspect

with regards to public involvement. He explained the difficulty of keeping the public engaged for ten years on the same project. Werner also discussed the challenges associated with public misinformation. In addition to the public often getting wrong details about a project, citizens do not realize that the federal agencies dictate the process, and state agencies do not have as much leeway and control in the process as the public thinks.

When asked about potential solutions for the public communication struggles, Werner noted that there has to be a better way to do the Environmental Impact Statement (“EIS”) process. Werner would like to see a briefer and more simplified process as well as shorter and more easily understandable documents to facilitate public comment. Additionally, Werner thinks that there needs to be more coordination during the comment period because there is a lot of cherry picking by the various agencies.

Lurline Curran, County Manager of Grand County, primarily commented on her experience working with the public on the Windy Gap Project. Public involvement facilitates the permitting process, Curran explained. Once the locals approve a project, the federal process flows more smoothly.

Curran also discussed some of the downfalls of the federal permitting process as well as other challenging aspects with public communication. Specifically, Curran mentioned that the EIS process eliminates the public dialogue. People send in their comments, and although the agency might answer them on one page in their report, the EIS excludes an actual interchange. She believes that Grand County found a solution to the limited dialogue present in the federal setting and created a template for how groups should work with the public. Curran credits the 1041 permitting process with helping achieve necessary dialogue that lets all people feel like the permit issuer heard them. For example, in Grand County when the staff presents their recommendation for a project, the people in the audience get a chance to make statements in response in a town hall setting.

To Curran, the most frustrating part of public communication is trying to determine how to communicate with all groups in a way that they feel secure in a process with lag time between the various steps. To keep the public informed, Grand County developed a list with everyone who wants to receive information about the Windy Gap Project, and sent those individuals updated information. If you really want public input, Curran notes, you have to be willing to take the time to get it.

Despite the varying backgrounds of each panelist, Rick McCloud, David Nickum, Brian Werner, and Lurline Curran all found that public participation, if approached correctly, could enhance the water permitting process.

Elizabeth Kutch

MANAGING FINANCIAL RISK TO SECURE OUR WATER FUTURE

Building on the framework adopted at the first Colorado Water Congress in 1958, this year’s annual convention addressed six important issues affecting the development of the Colorado Water Plan. The Water Congress refers to each issue as a “plank.” The convention featured moderated panel discussions