

**Eagle River Water and Sanitation District  
Upper Eagle Regional Water Authority  
Joint Special Meeting  
July 28, 2016  
MINUTES**

1 A joint special meeting of the Boards of Directors of the Upper Eagle Regional Water Authority  
2 (**Authority**) and Eagle River Water and Sanitation District (**District**) was held July 28, 2016, at 10:30  
3 a.m., in the District's Walter Kirch Room, 846 Forest Road, Vail, Eagle County, Colorado, in accordance  
4 with the applicable statutes of the State of Colorado.

5 **ATTENDANCE**

6 **The following Authority Directors were present, thereby constituting a quorum:**

7 Tom Allender, EagleVail Metropolitan District  
8 Geoff Dreyer, Arrowhead Metropolitan District  
9 Pam Elsner, Beaver Creek Metropolitan District  
10 George Gregory, Berry Creek Metropolitan District  
11 Sarah Smith Hymes, town of Avon  
12 Mick Woodworth, Edwards Metropolitan District

13 **The following District Directors were present, thereby constituting a quorum:**

14 Tom Allender  
15 Steve Coyer  
16 George Gregory  
17 Steve Friedman  
18 Frederick P. Sackbauer IV, *via phone*  
19 Bill Simmons, *via phone*  
20 Paul Testwuide

21 **Also in attendance were:**

22 **ERWSD Staff**

23 Linn Brooks  
24 Jason Cowles  
25 Camille Cuypers  
26 Wenli Dickinson  
27 Carol Dickman  
28 Catherine Hayes  
29 Diane Johnson  
30 Melissa Mills McLoota  
31 Siri Roman

32 Brian Tracy  
33 James Wilkins

34 **Consultants**

35 Kristin Moseley, Porzak Browning & Bushong  
36 Steve Bushong, Porzak Browning & Bushong

37 **Public**

38 Holly Loff, Eagle River Watershed Council  
39 Eric Kuhn, Colorado River Water Conservation District

40 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

41 The Boards noted they had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest  
42 Statements for the following Directors indicating the following conflicts:

43 **For the Authority:**

44 Directors Allender and Gregory and alternate Director Simmons disclosed that they serve on the Board of the Eagle River Water  
45 and Sanitation District. Director Allender also disclosed that he is a former employee of Vail Resorts, which tangentially deals with  
46 the Authority and District, as well as being employed part time by SE Group, which does planning and environmental work for Vail  
47 Resorts and other ski areas. Director Elsner disclosed her membership with the Vilar Performing Arts Center Guild, which operates  
48 within the Authority's service area. Director Gregory also disclosed that he occasionally undertakes development and construction  
49 activities within the Authority and District service areas. Alternate Director Simmons noted he serves on the Edwards Metropolitan  
50 District board and is employed by Beaver Creek Metropolitan District, an Authority member. Director Woodworth disclosed that he is  
51 employed by the Eagle River Fire Protection District, which operates within the Authority's service area.

52 **For the District:**

53 Directors Allender and Gregory disclosed that they also serve on the Board of the Upper Eagle Regional Water Authority  
54 (Authority). Director Allender also disclosed that he is a former employee of Vail Resorts, which tangentially deals with the  
55 Authority and District, as well as being employed part time by SE Group, which does planning and environmental work for Vail  
56 Resorts and other ski areas. Director Friedman serves on the Boards of the Beaver Creek Metropolitan District and the Vail Valley  
57 Foundation. Director Gregory also serves on the board of the Berry Creek Metropolitan District and occasionally undertakes  
58 development and construction activities within the District and Authority service areas. Director Sackbauer is employed by Vail  
59 Resorts, Inc., which has significant land ownership and business interests within the District. Director Simmons disclosed that he  
60 is the General Manager of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the board of the  
61 Edwards Metropolitan District. Director Testwuide disclosed that he performs consulting for Vail Resorts, his former employer,  
62 owns water rights in two states, and occasionally uses the District's water counsel, Glenn Porzak, as his personal attorney.

**Eagle River Water and Sanitation District  
Upper Eagle Regional Water Authority**

**CALL TO ORDER**

Acting Chair Friedman of the Eagle River Water and Sanitation District called the meeting to order at 10:30 a.m., and Chair Gregory of the Upper Eagle Regional Water Authority concurred.

**PUBLIC COMMENT**

Public comment was called for and there was none.

**INTRODUCTIONS**

Ms. Johnson introduced Mr. Kuhn, general manager of the Colorado River Water Conservation District.

Ms. Roman noted that the other presenter, Mr. Bushong, was en route.

**COLORADO RIVER BASIN HYDROLOGY, DEMAND AND PLANNING**

Mr. Kuhn presented information to the boards regarding the Colorado River Basin watershed; the various compacts by which it is governed; its' changing hydrology; demand on its supply; and planning efforts to balance reservoir operations, reduce demand, and minimize risk. A copy of the presentation and a related memo are attached hereto as **Exhibits A** and **B**, respectively, and incorporated herein by this reference. Questions and discussion ensued, including a summary of the structural deficit, which refers to declining levels in Lake Mead due to outflow for lower basin uses exceeding inflow from Lake Powell and intermediary streams.

**WATER QUALITY MATTERS UPDATE**

Ms. Brooks introduced Mr. Bushong, who works on many District and Authority water quality matters. A related memo is attached hereto as **Exhibit C** and incorporated herein by this reference.

**Regulations 31 and 61 Rulemaking Hearing** – Mr. Bushong discussed water quality rulemaking hearings; he highlighted the importance of commenting on and influencing standards that don't reflect real-time conditions in the District and Authority service areas. Both entities have successfully achieved site-specific standards for certain stream segments for which the streams would otherwise be out of compliance and added to the 303(d) list of impaired streams. Mr. Bushong stressed the importance of data collection and monitoring to support these site-specific standards.

**Eagle Mine Update** – Mr. Bushong discussed the Eagle Mine superfund site, as well as the District and Authority's ongoing efforts to maintain standards on the Eagle River that are protective of water quality. Mr. Bushong noted various solutions to improve water quality and treatment at the mine itself, which would benefit the District and Authority as downstream water providers.

**Climax Mine Update** – Mr. Bushong discussed the Climax Mine, and its effects on Eagle Park Reservoir. Operations began again in 2012, at which time monitoring in and around the reservoir became more frequent and stringent. The District and Authority continuously work to ensure reservoir water quality remains high.

A copy of Mr. Bushong's presentation is attached hereto as **Exhibit D** and incorporated herein by this reference.

**Eagle River Water and Sanitation District  
Upper Eagle Regional Water Authority**

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**ADJOURNMENT**

There being no further business to come before the Boards, the meeting adjourned at 12:25 p.m.

Respectfully submitted,

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Secretary to the Meeting

**EAGLE RIVER WATER & SANITATION DISTRICT**

\_\_\_\_\_  
Tom Allender, Treasurer

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Steve Coyer, Director

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George Gregory, Secretary

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Stephen Friedman, Vice Chair

\_\_\_\_\_  
Frederick P. Sackbauer IV, Chair/President

\_\_\_\_\_  
Bill Simmons, Director

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Paul Testwuide, Director

Eagle River Water and Sanitation District  
Upper Eagle Regional Water Authority

UPPER EAGLE REGIONAL WATER AUTHORITY

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Arrowhead Metropolitan District

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Town of Avon

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Beaver Creek Metropolitan District

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Berry Creek Metropolitan District

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EagleVail Metropolitan District

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Edwards Metropolitan District

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