

The Nature
Conservancy



Edalin Koziol

Perspectives on Opportunities for
Shepherding Water in Colorado for
Compact Security

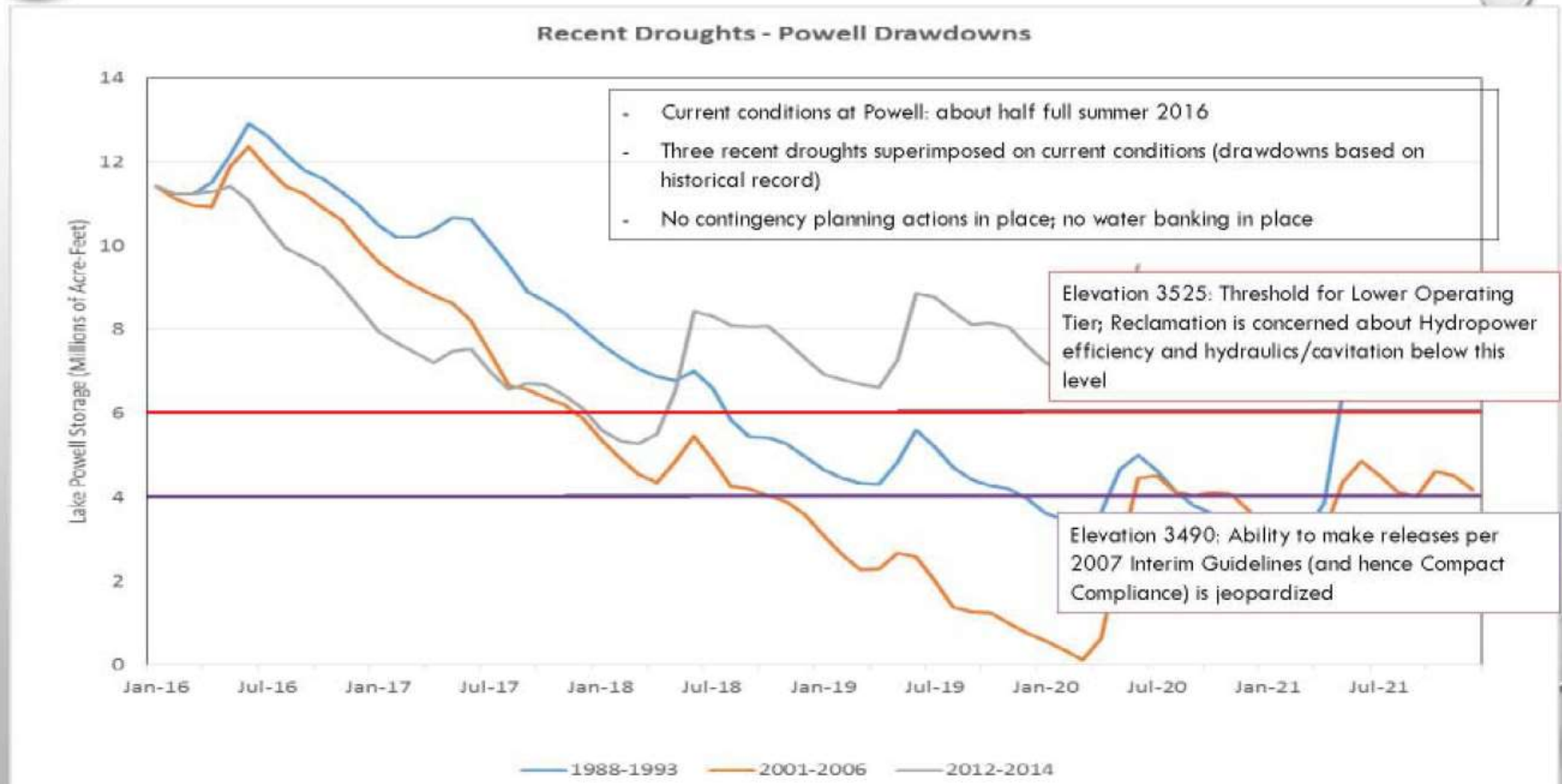
Can Collaborative Action
Through the Upper Colorado
River Commission Help
Overcome the Shepherding
Challenge?



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WHY NOW?

What if drought periods of past 25 years repeated?



HOW COULD THE UCRC FACILITATE SHEPHERDING?

- Upper Division states agree to have UCRC make findings to help them coordinate on how increments of voluntary forgone consumption will proactively contribute to compact security (UCR Compact Art. VIII(d)(6)-(7))
- Once the states reach agreement on amounts each would contribute, the UCRC would make findings (Art. IX, V, VIII(d)) that:
 - all such voluntary savings can be **shepherded** within/across states and **stored** in and **released** from Upper Basin reservoirs for the common benefit of the Upper Division states to avoid compact curtailment, and
 - delivery of these savings across state lines should **not be considered to be an export of water** because the savings are for the common benefit of all Upper Division states.

HOW COULD THE UCRC FACILITATE SHEPHERDING? CONT.

Sideboards needed:

- Developed and implemented by consensus
- Narrowly tailored to apply only to the amount of *voluntary* savings so that UCRC findings only provide a basis to promulgate rules for proactive, voluntary compact security
- Water stored for the common benefit of the Upper Division states would be controlled by those states and released based on findings by the UCRC
- Such findings on the control of water stored for the common benefit of the Upper Division states would also have to be coordinated with the USBR

BENEFITS OF WORKING THROUGH THE UCRC

- Collaborative, initiated by agreement of Upper Basin states and feds
- Activates and works with existing state authority in Colorado, e.g., promulgation of compact rules for a voluntary, proactive program for compact security
 - Such compact rules could provide for streamlined transfers of forgone consumption and for its shepherding and beneficial use for Colorado
- Can be tailored to meet needs and concerns, e.g., promulgation of compact rules limited to a voluntary, proactive program for compact security
- Existing opportunity, available now – no legislation needed to test it
 - Testing could identify gaps or uncertainties that warrant targeted, agreed upon legislation

QUESTIONS?

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Edalin Koziol
edalin.koziol@TNC.ORG

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