

Barr Lake/Milton Reservoir Watershed Association
BMW Board Meeting
April 27th, 2021 9:00 am – Noon
Zoom

Minutes

Board Attendance:

Steve Lundt – Metro
Sarah Reeves -SPCURE
Erin Jenkins – S. P. Renew
Curt Bauers – FRICO
Brad Cox – Denver
Kelly DiNatale – United Water
Julie Tinetti – Centennial
Michelle Seubert – CPW
Jennie Fleurant – Intern

Jim Doersch – Metro
Katie Koplitz – Metro
JM Grenbenc – South Adams
Dan DeLaughter – S. P. Renew
Brandy DeLange – Metro
James Boswell - Thornton

Public Attendance:

Amy Conklin – BMW Coordinator

Amy lumbered along and got the virtual meeting started. Dan welcomed everyone.

Information on Litigation – Dan informed the Board about litigation between FRICO, the Burlington Ditch, Reservoir and Land Company and the Henrylyn Irrigation District against Metro. The litigation is likely to impact discussions of topics on BMW Board agendas. Dan has reached out to Board representatives from FRICO and Metro and will try to get advance review of Board agendas to minimize impacts to Board business. The hope is we can find projects we can keep making progress on.

Jim Dorsch reported that Metro can't talk about the litigation issues with BMW and it will impact Metro's involvement with BMW. Steve will no longer be allowed to lead the Technical Committee. He will keep collecting data but will not share any analyses. Steve will still be taking samples and Metro will still analyze samples. The results are public and are available. Metro will not do any data interpretation. They may not be able to pay their membership dues. All topics must be discussed internally before being discussed at a BMW Board meeting. He is not aware of these types of restrictions happening before. And there are no other comments. We can still eat burritos.

Dan requested that Metro representatives please keep the Board posted and informed about the contribution to the organization. BMW is founded on collaboration and water quality protection. We are hopeful the dispute can be resolved quickly.

Consultant Update and Hearing prep – Dan reported that Brown and Caldwell are under contract but only for \$5,000. The work Steve has historically done will need to be replaced. It's of tremendous value. The Board emphasized the need for a completely independent consultant to be looking at the data so that there are no conflicts. Steve can reach out to Ken Wagner to see if he's willing to continue working for BMW.

The Board has been discussing the possibility of pursuing a Use Attainability Analysis (UAA) as the foundation for proposing Site Specific Standards (SSS). The 2022 hearing would be an

inappropriate time to introduce UAA findings. The 2027 hearing is where the UAA would be appropriate. The TMDL goal for Chlorophyll a (Chlor a) is pretty close to the standard the Water Quality Control Division (WQCD) is likely to propose. We may need some technical work to see if the standards are different enough to look at a UAA.

If the Board isn't going to pursue a UAA as part of the 2022 hearings, what type of assistance, if any, would the Board want for the 2022 hearings? The consensus was that the BMW Board may have comments on what's proposed and would want to participate in the 2022 hearing. The participation would likely be focused on comparing BMW data to the standards being proposed and projections of water quality as Regulation 85 is implemented. Steve reported that there will be changes in Total Nitrogen (N), Total Phosphorus (P) and Chlor a standards. EPA has developed tools, using only Colorado data, and dividing it into three (3) eco-regions, each with their own standards.

There was consensus to just track the 2022 hearing now and review the proposal from the WQCD when its made. If Steve and Metro are not available to assist with a comparison of BMW data to the proposed standards, BMW will need other assistance to conduct the analysis.

Dan offered some of Erin's time to fill in for Steve on the Technical Committee. Erin suggest that we could expand the Power BI tool to evaluate BMW data. Steve shared that he had presented his data at the March Technical Committee meeting. He was planning to have FRICO share their data at the May Technical Committee and Brad to share Denver's stormwater data at the July Technical Committee meeting. There would only be one or two more meetings after that in 2021.

Steve reminded the Board that when the TMDL was being developed there were three (3) sets of consultants reviewing and analyzing data: Metro used Bill Lewis; FRICO used John Stednick; and BMW used Ken Wagner. The benefit of the expensive redundancies was that each stakeholder felt confident that their perspective had been considered. **Steve** offered to reach out to Ken Wagner to see if he would be willing to continue working for BMW. While we would need his services through the 2027 hearing, we would probably continue to need his services after that and for as long as 2030.

Board members were encouraged to check in with their organizations to see if they would be supportive of tasking Brown and Caldwell to develop a Scope of Work for a UAA. The Scope would include evaluation of BMW data to whatever standards are proposed as part of the 2022 hearing. The scope would be to provide a high-level range of estimates of what the effort might cost. The review of the data should include the cost for identifying data gaps. The Scope would not be a proposal from Brown and Caldwell to do the work but a review of what tasks may be required and how much they might cost. The scope should also include an estimate of the timing of the costs and could include costs for outreach to stakeholders. The Scope could provide 'book ends' on the cost and level of effort required for BMW to conduct a UAA. As part of this discussion, Metro had no comment and FRICO said they were neutral. The effort to determine whether a UAA is worth pursuing could also address the phasing component of the TMDL in that if the question of what the water quality standards should be has been answered, the remaining question would be how to attain those standards.

Once a scope of work has been developed, then the Board can wrestle with how and who should do the work to ensure that all stakeholders feel confident that their perspectives are represented. The concerns expressed have more to do with the number and severity of algal blooms rather than with any particular number for a particular water quality species. Limiting algal blooms will depend on the amount of nutrients available.

Amy will send out a summary in the minutes and try to get an email vote for a task order for Brown and Caldwell. **Sarah** will try to draft a brief proposal that will be better than Amy's (no doubt).

Dan also would want Brown and Caldwell to review the non-standard MS4 permit comments on the BMW requirements included in the new non-standard MS4 permit. Dan can continue to coordinate with the non-standard MS4 community for now. **Dan** will try to set up a meeting and **Brad** will try to participate, too.

Implementation Plan Update – Erin reported that it's a standing agenda item. We already talked about the UAA. Are there any other projects we want to focus on for the upcoming year? The legislative effort could be added to the list. The model recalibration is a longer item that requires more discussion. Steve is thinking about the alkalinity issue that will need to be discussed internally at Metro before it can be brought to the BMW Board. The UAA seems to have risen to the top of the priority list. Some of the efforts we can work on without additional fundraising.

Legislative Effort Update – Steve reported that instead of pursuing legislation, the effort has evolved to be to work directly with the manufacturers about removing P from lawn fertilizers. Manufacturers generally haven't been resistant to the concept. They may just need information. We could combine the effort with public outreach and education. He has reached out to Robert Sakata, an agricultural user, to help Steve meet with fertilizer manufacturers at Agfinity. The other entity is the fertilizer council through the CO Dept. of Agriculture. There's also a compost council. The idea is the same, to build a coalition and reach out to stakeholders. He's revised his materials to reflect the change in concept to not include legislation.

Centennial expressed support for the effort. It's also part of source control which is in the implementation plan. Steve is excited about the potential to reach out to home owners. Legislation was effective to get people's attention. Without legislation the public outreach component will require more effort. Steve will be setting up a meeting with Agfinity. **Amy** will try to come with Steve. **Brad** will report on the effort to the CSC. Julie said we were welcome at the Wastewater Utility Council.

Update on CWA Section 208 Planning Agency Discussion – Sarah reported that there was a meeting she was not included in, so her report is from other sources. The meeting was with CDPHE, their consultant and some metro area organizations to discuss what a 208 Planning Agency might look like. There is a follow up meeting in May to discuss some potential solutions but she doesn't know who will be included in that meeting. Jim Dorsch reported that he had attended the meeting and Sarah's report was accurate. The group discussed the context for

pursuing a 208 planning agency which is to fill the void from DRCOG no longer fulfilling the role. Sarah will continue to keep the group updated on the effort, as she is able.

MS4 Permit Renewal –Brad reported that Denver has wrapped up discussions with the state regarding their MS4 permit, requesting a modification that will go through the public comment process. One of the modifications is for compliance with the TMDL. The original permit language required specific BMPs that would be too restrictive and that language has been resolved. Performance monitoring including non-structural controls like street sweeping and leaf removal language is also being resolved.

The rest of MS4 community is concerned about increasing requirements. The correction of concern had to do with PFAs language that was in conflict with federal language. **Brad** will share information on the correction.

Denver’s permit will be back out for public notice sometime soon. It will probably be a 30 day comment period. Dan hopes that the language on 20% reduction overall on stormwater P loads is more clear. Brad thanked BMW for their help.

Banking Update – Chris reported that the migration is continuing slowly to FirstBank. The transfer of funds will happen in the future.

Technical and I&E Committee Updates– Jennie Fleurant started the boat capacity survey on April 4th and collected a few surveys and needs some more volunteers. She is also working on the next newsletter as well. She is also working on the P free lawn fertilizer inventory. Steve will also be tracking P in lawn fertilizer when he goes to the stores and encouraged everyone else to do that. **Michelle and Amy** will send a link to the sign-up genius for anyone who can volunteer some time. Mornings and late afternoons are busy and that’s a good time to come. Michelle is having the Aquatic Nuisance Species (ANS) inspectors distribute some of the surveys. Jennie created a Google survey and will enter the paper surveys into the Google survey. The idea is that we may do another survey in the 5 year timeframe to track over time how the lake is being used. The uses have changed dramatically at both of the lakes.

Has Steve found fertilizers with Iron but no P. Steve thinks the Iron fertilizers have low P. Steve has a spreadsheet to keep track of over 100 products from many stores around the area. We have a pretty good snapshot of what people can get especially in the springtime. It’s mostly the regional manufacturers that include P in lawn fertilizer. Scotts products tend not to include P. Seed starter or lawn startup products tend to have P. He needs the brand name and location of the manufacturing. Anyone who goes shopping for fertilizer, can take a photo of the fertilizer available and send it to Steve.

Steve reported that he still does the weekly composite stormwater samples. BMW is hiring GEI again to continue the stormwater monitoring for another year. They will probably be collecting tonight. He doesn’t have an update on when the stormwater sampler will be moved back to the site just upstream from the Burlington headgate. When the new bridge at the National Western is built across the river the sampler will be re-located. Steve calculates weekly loads going down the Burlington and into Barr Lake. **Brad** will ask about progress on the National Western bridge

construction. Steve hopes they don't change the flow in the streambank in the area. The bridge to nowhere is being removed because it became unstable. There are a lot of projects along the river and they all seem to be minimizing impacts to the water.

Steve reported that the I&E committee is printing some postcards to hand out to park visitors. One will be about the boating survey. The poop balloon is still being used. Donny used it at the Furry Scurry and Northglenn is borrowing it. Outreach activities are picking up.

Updates/Action Items

- Chair's Report – The Chair had nothing to report.
 - Treasurer's Report -As of March 31st, the balance is \$220,718.18.
 - All expenses since the last meeting are within budget and will be recorded as part of the minutes.
 - Membership dues invoices have been sent. Be sure to let Amy or Chris know if there are any issues. A table of dues received so far is shown to the right.
- Coordinator Updates (Amy C.)
 - Meeting minutes from the March 23rd meeting will be sent out with corrections for the Board to approve.
 - Amy has completed archive work on the website. There are still broken links but she needs help inventorying all of those. She'll bring it up with the I&E committee.
 - Grants updates – There was no activity
 - Bike Tour update – Amy let out a sigh of frustration with the weather thwarting filming.
 - Panel at Watersheds Conference – Amy is putting together a submittal for a panel at the Watersheds Conference in the fall about OCCT. Denver Water and CDPHE have agreed to participate with BMW
 - Note list of events below

Checks for Signature in April		
2167 - MSU Denver, OWOW	\$ 2,703.00	Internship
2168 - Applewood Bookkeeping	\$ 60.00	Invoice 672
2169 - Amy Conklin	\$ 4,061.50	Coordinator

Member Name	Amount Received
Adams County	\$ 4,000
Burlington	\$ 4,000
Centennial	\$ 12,000
City of Aurora	\$ 1,000
Denver Water	\$ 1,500
FRICO	\$ 12,000
Henrylynn	\$ 2,000
North Front Range WQPA	\$ 100
S. Adams County W&S	\$ 12,000
Total	\$ 48,600

Next Meetings

- Technical Committee meeting – **May 27th, TBD, Virtual** FRICO will lead in May. Brad will share data in July
- Board Meeting – **May 25th, 2021, 9 am Virtual**
- I/E Committee Meeting – **May 4th, 2021 10 am to 11:30, virtual?**
- Stakeholder meeting – **June 22nd, 2021, Virtual** Bike Tour

BMW Board 2021 Schedule

- January 26, 2021 – Virtual – Board Retreat part 3
 - ~~Steve~~ Update on Legislative issue, modeling update
 - ~~Amy~~ Grant Update – TNC, 319, Urban Waters
 - ~~Erin/Amy~~ Implementation Plan summary for Feb. Stakeholder meeting
 - ~~Chris~~ Banking update
 - ~~Erin/Dan~~ update on hiring consultant to track permit activity
 - ~~All~~ review of Phase II MS4 permit renewal
- February 23, 2021 – Stakeholder meeting – Virtual or Barr Lake Nature Center – Invite WQCD and other watersheds to update them on IP

- ~~Implementation Plan Update~~ — **Erin** will present to Stakeholders with the one page summary
 - ~~P Free Fertilizer coalition/legislative effort update~~ — **Steve** will present a one page handout on the issue and ask for Stakeholder support.
 - ~~Bike Tour update~~ — **Amy** will update the Stakeholders on the status of the 2021 Bike Tour and talk about apps we may work on to enhance the tour.
 - ~~Statewide Water Education Plan presentation~~ — **Scott Williamson**, WECO, will present the plan.
 - Boat Capacity survey — **Jennie** will give an update
 - ~~Clean River Design Challenge~~ — **Devon Buckles and Lauren Berent** will present the status of the program
 - ~~Grant update~~ — **Amy** will report on the status of the grants BMW applied for
- March 23, 2021 – Virtual
 - ~~**IP Committee**~~ — priority efforts list, UAA, MS4 and NPS, Cost benefit analysis, data tool, Alkalinity analysis, DO compliance, NPS data collection
 - ~~Draft comments on Phase II MS4 permit renewal~~
 - ~~**Steve**~~ — Legislative update, I & E Plan
 - ~~**Amy**~~ — Grant update, Time Looper App update, bike tour plan
 - Boat Capacity survey — **Jennie** will give an update
 - ~~**All**~~ — Develop a plan to reach out to all the stakeholders we missed about the IP update, our new list of priorities, and whatever other efforts are being implemented including coalition building
- April 27, 2020 – Virtual
 - ~~**Steve**~~ — Stormwater monitoring gage update, I&E update, Legislative effort update, Technical Committee update
 - ~~**IP Committee**~~ — Progress on priorities
 - ~~**Amy**~~ — Grants update, Bike tour update (Time Looper App?)
 - ~~**All**~~ — Coalition building, Phase II MS4 permit comments
- May 25, 2021 – Virtual or maybe outside at Barr Lake
 - **Chris** – Budget discussion for 2021-22 with funding plan for prioritized efforts
 - **IP Committee** – update on progress – start to identify level of funding required for 2023 hearing
 - **Amy** – updates on Bike tour, grants, time Looper app
- June 22, 2021 – Virtual - Bike tour and Watershed tour maybe through an App. Prizes for people who take the tours. Good times.
- July 27, 2021 – Meet virtually or maybe in person at Barr Lake
 - **Steve** – water quality update, stormwater monitoring gage update, legislative and modeling update
 - **IP Committee** – Update on progress, 2023 hearing scope
 - **Chris** – Budget presentation and approval
 - **Amy** – Bike Tour and Watershed tour report, grant updates
 - **All** – discussion of coalition building successes and next steps
- August 24, 2021 – Meet virtually or in person at Barr Lake
 - **Amy** – Grant updates, Bike tour and watershed tour updates, Time Looper app updates, Preparation for Annual meeting and BBQ
 - **Michelle** – Park update
 - **IP Committee** – priority effort update
 - **All** – Coalition building

- September 28, 2021 – meet at Barr Lake, try to engage more stakeholders
 - **Dan** – BMW year in review – what we got done, how we’re progressing, plans for the future
 - **Steve** – water quality presentation, modeling updates, stormwater monitoring gage moving updates,
 - **Amy** – update on grants, bike and watershed tours, time looper app
 - **Erik Wardle** – Progress on agricultural BMPs (?) or Paul Winkle on the fishery and As impacts, other?
 - **James** – election of At-Large and policy review
 - **Michelle** – report on park
- October 26, 2021 – Virtual or in person at a location TBD
 - **Dan or someone** – Election of Board Officers
 - Other topics we didn’t get to
- November 30, 2021 – Board Retreat

Standing Agenda items:

- Legislative/coalition building effort
- IP priority project updates
- Stormwater monitoring gage updates
- Permit tracking consultant efforts
- Grant updates – if appropriate
- 2022 Hearing preparation
- Committee Reports – I&E, Technical
- Chair, Treasurer and Coordinator Reports
- BURRITOS!

BMW I/E Events for 2021

Date	Event	Activity	Name and contact
4/12-25/21	Virtual Earth Day Clean Up	South Platte Renew	Deb Parker
4/22/21	Earth Day	Take note of and protect the Earth	Everyone
4/23, 4/24	Furry Scurry Expo – virtual walk on 5/1/21	Pick up event at Denver Dumb Friends League	Donny
5/1/21	Spring Fishing Clinic	Barr Lake State Park	Michelle
5/1/21	South Platte Stewardship Day	Various places along the river	Greenway Foundation
5/15/21	Safe Boating Celebration	Barr Lake State Park	Michelle
6/?/21	Brighton Summer Fest	Booth, T-Shirts	Michelle

6/22/22	Virtual Urban Water Cycle Bike Tour	Bike Tour along Platte River	Steve, Amy, Donny, Mackenzie, Jordan, Juliana, Curt, James
7/10/21	Lake Appreciation Day	Barr Lake State Park	Michelle, Steve, Amy, Sam
7/24-25/21	Arapahoe County Fair	Booth, t-shirts, Poop emoji balloon	BMW to assist SPLASH?
8/?/21	Adams County Fair	Booth, T-shirts	Michelle, Steve
August	Commerce City Neighborhood Fest	Booth, T-shirt	Michelle
9/11/21	Birding Festival/Raptor Run	Barr Lake State Park	Michelle, BMW water?
9/25/21	Bark in the Park	Barr Lake State Park	Michelle/BMW dog bags
9/25/21	National Public Lands Day	Barr Lake State Park	Michelle
9/29/21	Reception on the River	TBD	Greenway Foundation
10/9/21	Harvest Festival	Barr Lake State Park	Michelle
10/30/21	Halloween Trail	Barr Lake State Park	Michelle
November	CO Watershed Assembly	Conference	Amy?
November	Cherry Creek Stewardship Partners	Conference	Amy?