



WATER QUALITY / QUANTITY COMMITTEE (QQ)

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QQ Quarterly Board Meeting

Wednesday, October 21, 2015
Blue River Meeting Room
North Summit County Library - Silverthorne, CO

Agenda

- 10:00 Welcome and Introductions
- 10:05 Presentation: Colorado's Inactive Mine Reclamation Program
Bruce Stover, Director, Active & Inactive Mines Program
- 11:00 2016 Legislative Session– *Torie*
- 11:20 Upper Colorado Wild & Scenic Alternatives Update– *Torie*
- 11:40 Gov's Oil and Gas Taskforce Rulemaking Update– *Barbara & Torie*
- 12:00 Lunch
- 1:00 Member Updates
- 1:15 Grand Lake Clarity Update- *Barbara & Lane*
- 1:30 Water Quality updates (303(d) & Basic Standards Rulemakings, WOTUS, SMP funding, etc) – *Lane, Barbara, Seth, & Torie*
- 2:00 Colorado's Water Plan–*Lane, Barbara & Torie*
- 2:30 Review of 2015 Scope of Work & 2015 Contract– *Lane, Barbara & Torie*
- 3:00 Adjourn

Draft Bill Titles from the Colorado General Assembly's
Interim Water Resource Review Committee

Draft Bill 1. State Engineer Statute Cleanup

Draft Resolution 2. Timely Access to Federal Lands for Dam Restoration

Draft Resolution 3. Wildfire Funding

Draft Bill 4. Transfer Authority to Approve Water Projects to the State Engineer

Draft Bill 5. Expedite State Permitting Process for Water Storage Projects

Draft Resolution 6. Remediation of Abandoned Mines

Draft Bill 7. Rain Harvesting

Draft Bill 8. Additional Enforcement Against Stealing Water

Note that the Water Resource Review Committee must still vote to introduce each of these bills. Each bill recommended by the Committee must be approved by 2/3 of the Committee members. Generally the Committee recommends three bills to the Legislative Committee unless the Committee votes (by 2/3) to recommend a greater number.

Draft bill titles taken directly from:
<https://www.colorado.gov/pacific/cga-legislativecouncil/2015-water-resources-review-committee>

MEMORANDUM OF UNDERSTANDING
FOR PARTICIPATION IN THE UPPER COLORADO RIVER
WILD AND SCENIC STAKEHOLDER GROUP MANAGEMENT PLAN

[To be executed as soon as practicable, but no later than 6 months following issuance of final Records of Decision for the Kremmling and Colorado River Valley Field Office RMPs that provide BLM/USFS approval of the SG Plan without material change. This timeframe may be extended by unanimous consent of the Stakeholder Group. Upon approval of this MOU for signature by the stakeholders, individual stakeholders may choose to sign this at any time prior to the above deadline.]

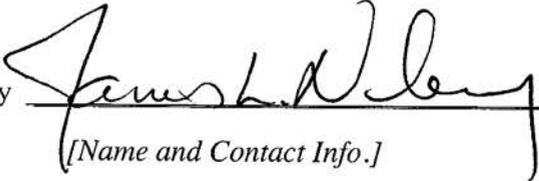
This Memorandum of Understanding (“MOU”) is entered into among the undersigned parties (referred to individually as “Signatory” or collectively as “Signatories”) to the Upper Colorado River Wild and Scenic Stakeholder Group Management Plan (“SG Plan”). It is anticipated that the Stakeholder Group may develop a more comprehensive memorandum of understanding (or other form of agreement) or a formal legal entity, or both, to govern long-term administration of the SG Plan subsequent to expiration of the poison pill provisions in Section III.C.2.c of the Plan. While members of the State Interest Group are not currently Signatories to this MOU, it is anticipated that the agencies will continue to participate as members of the SG Plan and may choose to sign this MOU in the future.

1. Through execution of this MOU, each Signatory commits to participate as a member in the SG Plan.
2. By executing this MOU, each Signatory agrees to engage in good faith efforts to implement the SG Plan including, but not limited to, tasks outlined in Attachment B, Section 3 of the SG Plan.
3. Commencing 6 months from the effective date of the SG Plan, the Signatories agree to act under the SG Plan Governance Committee protocols for conducting business and making decisions under Part VI of the SG Plan in lieu of the requirement for unanimous consent by all individual stakeholder entities that have formally endorsed the SG Plan. This date for implementation of the governance structure and protocols may be modified by unanimous consent of the Stakeholder Group members.
4. Participation in the SG plan is voluntary. Any Signatory may withdraw from this MOU upon written notice to the other Signatories. The effect of any such withdrawals shall be governed by Section VI.K.2 of the SG Plan.
5. In order to become members of the SG Plan in the future, additional entities must: (1) receive an assignment by the Governance Committee to an Interest Group; (2) execute this MOU (or any amendment or replacement thereof); (3) follow the charter protocols for inclusion in the assigned Interest Group pursuant to the procedures as contemplated in Section VI.D of the SG Plan; and (4) follow the applicable

provisions in the SG Plan. A signature page executed by any such entity shall be affixed hereto and be treated as part of this MOU.

6. This MOU shall remain in effect until (A) it is replaced by a more comprehensive memorandum of understanding (or other form of agreement) or a formal legal entity, or both, to govern long-term administration of the SG Plan; (B) the MOU is amended and superseded in writing by the Signatories; (C) it is revoked by affirmative action of the Stakeholder Group; or (D) the SG Plan is terminated.
7. Other Provisions:
 - A. The Signatories hereto represent that they have legal authority to enter into this MOU and have legal authority to participate in the SG Plan.
 - B. This MOU sets forth a cooperative process and does not create a legal right of action for the Signatories or any third party.
 - C. This MOU is not intended to abrogate, impair, or restrict the legal and statutory responsibilities or authorities of any Signatory.
 - D. Funding commitments made to the SG Plan are subject to approval of the Signatories' governing bodies and subject to appropriations by applicable legislative bodies.
 - E. The Signatories are entering into this MOU on a voluntary and cooperative basis. Nothing in this MOU shall be interpreted as a determination that any ongoing or new activity has or has not caused, or will or will not cause, adverse impacts to the environmental resources or values addressed by the SG Plan. Nothing in this MOU shall be construed to alter the legal rights and remedies that each Signatory would otherwise have. No Signatory waives any legal rights or defenses by entering into this MOU or participating in the process contemplated hereby.
 - F. Modifications to the SG Plan may be made following the SG Plan decision-making protocols without requiring modification of this MOU.

IN WITNESS WHEREOF each party has caused this MOU to be executed by an authorized official on the day and year set forth below by signature.

By  Date 3/11/15
[Name and Contact Info.]

By _____ Date _____
[Name and Contact Info.]

**Protocol for
Local Government Interest Group**
Concerning the
Upper Colorado River Wild and Scenic Stakeholder Group Plan (January 2012) (SG
Plan)

1. PURPOSE

- a. This protocol sets forth the process and procedures for inclusion in the Local Government Interest Group and for the selection and responsibilities of its members, consistent with the Governance Section VI of the SG Plan.
- b. The Local Government Interest Group is one of six Interests Groups and represents local government interests on the Governance Committee for the SG Plan. The purposes of the Governance Committee are outlined in Section VI. C. of the SG Plan.

2. MEMBERSHIP

- a. Members. The current members of the Local Government Interest Group are Eagle County, Grand County, Summit County and the Northwest Colorado Council of Governments Water Quality/ Quantity Committee (QQ), (collectively “Members”).
- b. Procedures for Membership. The Members are also participating members of the SG Plan and have committed to funding pursuant to Section 5 of this Protocol.
 - i. Any additional Members must be participating members of the SG Plan as determined by the GC and must commit to funding pursuant to Section 5 of this Protocol.
 - ii. The unanimous consent of all existing members is required to admit an additional member.
 - iii. This Protocol will be adjusted as appropriate for any changes to membership.
- c. Eagle River entities. As outlined in footnote 15 of Section VI. D. 1. of the SG Plan, it was anticipated that the Eagle River entities¹ would be included in either the Local Government Interest Group or the West Slope Water Conservancy/ Conservation District Interest Group. The Eagle River entities currently have determined their preference to join the West Slope Water

¹ The Eagle River entities consist of Vail Associates, Inc., Upper Eagle Regional Water Authority, Eagle River Water and Sanitation District, and Eagle Park Reservoir Company.

Conservancy/ Conservation District Interest Group instead of the Local Government Interest Group. The West Slope Water Conservancy/ Conservation District Interest Group anticipates accepting the Eagle River entities for inclusion in their group, which is also acceptable to the Members.

3. VOTING REPRESENTATION

- a. Eagle, Grand and Summit Counties will each designate one primary voting representative (“Representative”) and one alternate (“Alternate”) to the Governance Committee for a total of three voting Representatives and three Alternates.
 - i. Representatives and Alternates are expected to use best efforts to attend all regular, annual, and special meetings of the Governance Committee, and to coordinate among each other in preparation for such meetings.
 - ii. QQ will advise and staff the work of the Members as determined by the Members and will periodically update and advise other local governments in the region on the activities of the group as appropriate. QQ’s role may be further defined by the Members.
- c. Terms. For initial appointments, Grand County’s Representative and Alternate will serve a three-year term; Eagle County’s Representative and Alternate will serve a two-year term; Summit County’s Representative and Alternate will serve a one-year term. Subsequent terms for each appointment will be for three-year terms.
- d. Replacement. Each Member may replace a Representative or Alternate at its discretion.
- e. Members may use staff or consultants to participate in SG Plan committees and workgroups and make recommendations within that context.

4. DECISION MAKING

- a. Voting procedures for the Governance Committee are outlined in Section VI. of the SG Plan.
- b. Voting by the Members will proceed according to Figure 1 of this Protocol, taken directly from Section VI.H.3. of the SG Plan.

Figure 1. Section VI. H. 3 of SG Plan.

VOTING WITHIN INTEREST GROUPS	
Number of Interest Group GC Members Present at Meeting	Affirmative Votes required to pass Measure within Interest Group
3	2 of 3
2	2 of 2
1	1

c. As provided in Section VI.H.4, no vote by the Governance Committee or by some of the Members can commit the rights, authorities, resources, finances, or operations of any other Member without that Member's approval.

5. FUNDING ASSESSMENTS

a. Annual assessments levied to the Members pursuant to Section VIII.B.2 of the SG Plan shall be divided among the Members and subject to annual appropriations by Members. Grand, Eagle and Summit Counties will each pay 30% of the assessment and QQ will pay 10%.

b. If any one of the Members wishes to revisit this funding structure in the future, the other Members will develop an alternative that works.

Adopted this _____ day of _____, 2015, by the original charter Members.

Kathy Chandler-Henry
Chair, Eagle County Board of County Commissioners

Merrit Linke
Chair, Grand County Board of County Commissioners

Dan Gibbs
Chair, Summit County Board of County Commissioners

James Newberry
Chair, Northwest Colorado Council of Governments

October 6, 2015

To: Interested Parties and Stakeholders

From: Matthew Lepore, Director

Re: Draft Rules to Implement the Governor's Oil and Gas Task Force Recommendation Nos. 17 and 20.

The COGCC Staff's First Draft Proposed Rules Implementing the Governor's Oil and Gas Task Force Recommendation Nos. 17 and 20 are attached. We fully expect these proposed new and amended rules to continue to evolve during the stakeholder process, and we ask you to review the draft Rules in that light. Proposed Rule language in **[bold brackets]** indicates our interest in developing these particular issues further during stakeholder meetings.

A high-level overview of some of the proposed rule language, and our thought processes behind that language, follows. We offer these descriptions to clarify our intent and focus stakeholder discussions.

Effective Date. We intend for these rules to take effect as soon as allowed under the State Administrative Procedures Act following adoption by the Commission. We intend the mitigation measures and best management practices contemplated by the Rules to apply to Form 2A Applications *pending but not yet approved*, as well as all Form 2A Applications for Large UMA Facilities filed after the effective date. An operator with a pending Form 2A Application will not be required to withdraw or re-submit an Application in order to comply with any notice or consultation provisions of the new Rules; those requirements will be waived for pending Applications.

Recommendation No. 17

1. Definition: Large UMA Facility.

Staff proposes total cumulative measured depth of all *new* wellbores on a proposed location **OR** the total cumulative *new and existing* on-site storage capacity for produced hydrocarbons as the preferred metrics to define a Large Urban Mitigation Area Facility.

The proposed total 90,000 feet of wellbore length is approximately equivalent to eight horizontal wells completed in the Niobrara formation with a horizontal lateral length of 4,360 feet (one mile, minus required downhole setbacks). Total measured depth is: an objective measurement that does not require estimates or speculation; easily ascertained at the application stage; and, due to spacing and setback requirements, not subject to significant variability from planned to "as built" configurations. Total

measured wellbore length is also flexible enough to accommodate vertical, directional, and horizontal wells of different lengths.

Total cumulative on-site hydrocarbon storage capacity of 4,000 barrels is approximately equivalent to eight 500-barrel tanks or thirteen 300-barrel tanks. This capacity will provide oil storage for approximately four one-mile lateral horizontal wells during early production. Staff has deliberately proposed a lower threshold for hydrocarbon storage capacity than for wellbore length to incent operators to transfer oil and gas off-site via pipeline rather than truck. On-site storage tanks are serviced by truck traffic; have potential to emit methane and volatile organic compounds; and have visual impacts. Consequently, where possible, staff wishes to minimize on-site hydrocarbon storage in UMAs.

Staff seeks further discussion of these metrics and thresholds during the stakeholder process. The thresholds ultimately established by the Commission *are not limits* on either the number of wells or storage tanks that may be located on a facility. Rather, these metrics merely are triggers that require consultation between the local government and the operator concerning the siting of a proposed Large UMA Facility.

2. Rule 306.b.(4)A., B. Notification and Consultation for Large UMA Facilities.

An operator proposing to locate a Large UMA Facility in an Urban Mitigation Area must notify the local government with land use authority over the proposed facility location, and offer to consult with the local government concerning siting and best management practices for the facility. Staff proposes that the operator provide a “Notice of Intent to Construct a Large UMA Facility” to the relevant local government not less than 90 days prior to submitting an OGLA application to the COGCC, which invites the consultation process. A local government has discretion to waive consultation if it desires. Consultation is not required if a written agreement already exists between the operator and the local government concerning siting of such facilities. **Proposed Rule (P.R.) 306.b.(4)A.**

Staff recognizes local land use planning and approval processes vary. The proposed Rules neither prescribe nor preclude any local government land use planning or approval process. **P.R. 306.b.(4)B.i.**

The operator – relevant local government consultation should occur before the operator has finalized a surface use agreement with the surface owner of the proposed site. **Proposed Rule (P.R.) 306.b.(4)A.** Consequently, at the surface owner’s request, the operator and Director will meet with the surface owner regarding the proposed facility location. COGCC does not have jurisdiction to require a local government to participate in meetings with the surface owner, but the local government may participate in its discretion, and is encouraged to do so. **P.R. 306.b.(4)B.iii.**

3. Rule 306.b.(4)D. Notice to Adjacent Local Governments.

Local governments consistently and almost uniformly expressed a keen interest in being able to comment on large-scale oil and gas development outside of, but in close proximity to, their jurisdictional boundaries. A “consulting agency” concept is not expressly included in Recommendation No. 17, but Staff believes this concept warrants further discussion during the stakeholder process. **P.R. 306.b.(4)D.**

Staff has suggested a consulting agency role for jurisdictions within 1,000 feet of a proposed Large UMA Facility. Staff elicits further discussion of this concept during stakeholder meetings.

Under the proposed Rules, an adjacent local government *will not* have the right to request a Commission hearing on a proposed Large UMA Facility outside of its jurisdictional boundaries, nor is an operator required to seek agreement with the adjacent jurisdiction for the siting of such a location. **P.R. 306.b.(4)D.iii.**

4. Rule 306.b.(4)E. Initiating the Form 2A Process.

An operator must certify on its Form 2A Application either that: it has an agreement with the local government regarding siting for a proposed Large UMA Facility; that the local government waived the consultation requirement or did not timely respond to the Notice of Intent to Construct; or that it could not reach an agreement with the local government despite consultation and mediation. **P.R. 306.b.(4)E.i.-iv.**

Staff will reject as incomplete a Form 2A for a proposed Large UMA Facility that does not contain the requisite certification and relevant supporting documentation. **P.R. 306.b.(4)E.v.**

5. Rule 604.c.(4) Best Management Practices, Required Mitigation Measures, and Site-Specific Mitigation Measures for Large UMA Facilities.

Large UMA Facilities must be built and operated to the highest standards, using the most advanced technology available to avoid or minimize adverse impacts to adjoining land uses. Because Large UMA Facilities will vary from site to site, it is difficult to prescribe specific best management practices that must be applied in every case. At the same time, there are issues present at all locations – such as fire and explosion hazards – that must be addressed.

To address the variability and avoid a “cookie cutter” approach to best management practices, Staff has included three subsections for best management practices and mitigation measures at Large UMA Facilities: A. Required Best Management Practices; B. Required Mitigation Measures; and C. Site-Specific Mitigation Measures.

- A. Required Best Management Practices. This subsection identifies five specific areas that an operator must manage through best management practices to the satisfaction of the Director before a Form 2A will be approved. No specific BMPs are prescribed; rather the operator, in consultation with Staff, must develop appropriate site-specific plans, practices and procedures to manage the issues identified.

Staff invites additional discussion during the stakeholder process on the specific issues to be included under this heading.

- B. Required Mitigation Measures. This subsection incorporates the mitigation measures required for Exception Zone Setback locations into all Large UMA Facility locations, regardless of whether the Large UMA facility is located in the Buffer Zone or Exception Zone. The Exception

Zone mitigation measures incorporate by reference all Designated Setback Location mitigation measures (i.e. all Rule 604.c.(2) requirements are required for a Large UMA Facility).

In addition, Staff proposes that all Large UMA Facilities be subject to a limit on the allowed duration of drilling, completion, and stimulation operations. Drilling, completion, and stimulation operations typically occur around-the-clock and are unavoidably disruptive, particularly when taking place in a UMA. Best management practices and mitigation measures can minimize much of the disruption, but have not been shown capable of eliminating them. Again, variability from one location to the next makes establishing a single duration limit impracticable. Therefore, Staff proposes to determine the duration limit on a site-specific basis in consultation with the operator and, potentially, the local government with land use authority for the location. Staff also proposes an automatic, one-time limited extension of the deadline for unforeseen technical difficulties or force majeure conditions.

A limit on the duration of drilling, completion, and stimulation operations potentially will limit the number of wells that can be placed on a location during a single “phase” of drilling and completion. The number of wells that can be completed within a given period will also vary, and likely will increase as technology advances and drilling times accelerate as they have consistently done over the past few years.

Limiting the duration of drilling and completion operations may necessitate additional drilling phases following a “quiet period” of some duration. Staff proposes that the timing of phased drilling operations be determined on a case-by-case basis in consultation with affected community members and the local government with land use authority.

- C. Site-Specific Mitigation Measures. Subpart C identifies five specific issues Staff believes likely will need to be addressed by conditions of approval (COAs) on Oil and Gas Location Assessment permits for most Large UMA Facilities. This is a non-exclusive list, and is consistent with the Commission’s existing authority to require COAs based on site-specific conditions.

Recommendation No. 20

Recommendation No. 20 proposes that all operators be required to register with municipalities in which they have operations, and to provide specific information to those municipalities. During the Staff’s outreach meetings, many questions were raised regarding both the exclusion of counties from the registration/information requirements and the logic behind and utility of basing a five-year estimate of the number of wells an operator plans to drill in a municipality on “proved undeveloped” reserves as reported to the Securities Exchange Commission.

Staff’s draft proposed language highlights the need for further development of these concepts during the stakeholder process.

1. Rule 302.c.1, 2 Operator Registration with Local Governments

Consistent with the Recommendation as written, Staff proposes the registration requirement apply to municipalities but not counties. The registration requirement would take effect on March 1, 2016.

2. Rule 302.c.3 Operator Drilling Plans and Estimates

Staff's proposal invites further discussion on requiring operators to provide information about planned drilling activity, and estimates of future planned activities to municipalities *including growth management areas*. Such areas, which are presently outside of a municipality's boundaries (and, therefore, within unincorporated county lands), were identified during Staff's outreach meetings as vitally important for municipalities' long range planning. Without extending the registration/information requirements to counties, including growth management areas seems consistent with the spirit of Recommendation No. 20. Staff's proposal limits the disclosure to growth management areas that have been formally approved through a municipality's land use planning and approval process.

Strictly construed, Recommendation No. 20 as written appears to require only a publicly-traded company to provide an estimate of the number of wells it plans to drill in a municipality in the next five years (because only publicly traded companies report to the SEC). There was little discussion of the logic behind such a limitation during the Task Force meetings. Therefore, Staff proposes that all companies provide this estimate upon request of a municipality.

During outreach meetings, operators expressed concern about the utility and practicability of basing a well number estimate on the SEC "proved undeveloped" reserves analysis. Staff proposes not to prescribe the specific basis by which an operator arrives at its estimate, and identifies the SEC proved undeveloped reserves merely as an option, not a requirement.

Recognizing that many variables beyond an individual operator's control influence when, where, and how many wells the operator may drill, Staff has included express language in subsection 302.c. to indicate that any estimates provided pursuant to the Rule are to be made in good faith using reasonable business judgment based on information known to the operator at the time, and that such estimates are subject to change.

Conforming Changes

Adding the Rules described above will necessitate several conforming changes to existing Rules. Staff has proposed changes to the public comment period for a Large UMA Facility (40 days), and for the time period after which an operator can request a hearing on a pending Form 2A for a Large UMA Facility (150 days). Staff also proposes the Colorado Department of Public Health and Environment be invited to comment on all Form 2A applications for Large UMA Facilities. Other conforming changes are self-explanatory.

Stakeholder Meeting Schedule

We look forward to engaging with all interested stakeholders regarding Staff's First Draft Proposed Rules to Implement Recommendation Nos. 17 and 20 beginning Wednesday, October 14, 2015 from 9:00 a.m. to 12:00 p.m., at COGCC, 1120 Lincoln St., Suite 801. The meeting will be held in the Wasatch Hearing Room.

We will hold additional stakeholder meetings on Thursday, October 15 from 9:00 to 12:00 p.m. and Friday, October, 16 from 9:00 a.m. to 12:00 p.m.

We will provide a call-in number for those who wish to participate by telephone. The call-in information will be posted on the COGCC web page shortly.

Effective Date: Following adoption by the Commission, these proposed new and amended rules will become effective upon publication by the Secretary of State. All provisions of these rules will be applied prospectively to any Application for Oil and Gas Location Assessment, Form 2A, for a Large UMA Facility that is pending but not yet approved as of, or submitted after, the effective date. For pending applications, pre-application notices and consultations otherwise required by the rules will be waived, but applicable best management practices and mitigation measures will be required.

Recommendation No. 17

100 Series

LARGE UMA FACILITY shall mean any Oil and Gas Location proposed to be located in an Urban Mitigation Area and on which: (1) the cumulative total measured depth of all new wells planned for the Location exceeds **[90,000 feet]**; or (2) the cumulative new and existing on-site storage capacity for produced hydrocarbons exceeds **[4,000 barrels]**.

300 Series

306.b.(4) Notification and Consultation for Large UMA Facilities.

A. Notice of Intent to Construct a Large UMA Facility. No less than 90 days prior to submitting a Form 2A to the Commission and before an operator has a final contract with the surface owner for a specific location, an operator proposing a Large UMA Facility shall provide notice to the local government with land use authority over the proposed location. The Notice of Intent to Construct a Large UMA Facility must include:

- i. a description and depiction of the proposed location and the planned facilities;
- ii. an offer to consult with the local government with land use authority over the proposed location to seek agreement regarding siting the Large UMA Facility, considering alternative locations and potential best management practices;
and

[iii.] an offer to meet with local governments that exercise land use authority within [1,000 feet] of the proposed oil and gas location regarding potential best management practices for the proposed Large UMA Facility.

B. Consultation between the Operator and the Local Government. If the local government with land use authority over the proposed Large UMA Facility accepts an operator's offer to consult, the operator shall consult in good faith regarding siting of, and best management practices to be employed at, the proposed location. The surface owner's siting requests and concerns will be considered as part of the consultation.

i. This Rule 306.b.(4) does not prescribe any particular form of consultation or local land use planning or approval process, nor does it limit or supersede any local government land use planning or approval process.

ii. The Director will participate in the consultation process between the local government and the operator at the request of either.

iii. The operator shall notify the surface owner of the lands on which the operator proposes to locate a Large UMA Facility of the local government consultation. At the surface owner's request, the operator and Director will meet with the surface owner regarding siting of the proposed Large UMA Facility, and the local government may participate in the meeting at its discretion.

C. Offer to Mediate. If the local government and operator are unable to reach agreement regarding the location for a proposed Large UMA Facility, the operator shall offer in writing to engage in mediation with the local government.

i. If the local government agrees to mediation, the operator and the local government shall jointly select a mediator or mediators and share the cost of mediation.

ii. Upon selection of a mediator(s), the mediation shall conclude within 45 days unless the operator and local government agree to an extension of time.

iii. The Director is not a party to the mediation, but at the request of either the local government or the operator, the Director shall provide technical assistance to the parties or the mediator to the extent the Director is able.

[D. Notice to Adjacent Local Governments.] Concurrently with providing notice pursuant to Rule 306.b(4)A.i., the operator must provide a copy of the Notice of Intent to Construct a Large UMA Facility to all local governments that exercise land use authority within [1,000 feet] of the proposed oil and gas location.

- i. Within 20 days of receiving the Notice of Intent to Construct a Large UMA Facility, an adjacent local government may request a meeting with the operator and the Director to discuss potential best management practices for the proposed Large UMA Facility, which the Director shall schedule.
- ii. The Director will provide a written response to an adjacent local government's written request for specific best management practices at a proposed Large UMA Facility.
- iii. An adjacent local government's approval of a proposed Large UMA Facility's site is not required, nor may an adjacent local government be an Applicant for a hearing on a Form 2A under Rule 507.b.(7).

E. Initiating the Form 2A Process.

- i. If the local government and operator have reached agreement regarding a proposed Large UMA Facility's site, the operator may immediately initiate the Form 2A process and must provide written confirmation of the agreement to the Director in accordance with Rule 303.b.(3)K.
- ii. If the local government has waived the Rule 306.b.(4) procedures, the operator may immediately initiate the Form 2A process and must provide written confirmation of the waiver to the Director in accordance with Rule 303.b.(3)K.
- iii. If a response is not received from the local government with land use authority within 60 days of receiving the Notice of Intent to Construct a Large UMA Facility, the operator may begin the Form 2A process pursuant to Rule 305 for the proposed location and submit a copy of the Notice of Intent to Construct a Large UMA Facility to the Director in accordance with Rule 303.b.(3)K.
- iv. If the local government rejects the offer to mediate or the mediation does not result in an agreement regarding a proposed Large UMA Facility's site, the operator may submit its Form 2A to the Director with its preferred site. The Director will not approve a Large UMA Facility Form 2A for which no siting agreement has been reached between the local government with land use authority and the operator. After the Director's technical review is complete, the Director will notice the Form 2A for a Commission hearing. Such a hearing shall be expedited but will be held only after both the 20 days' notice and the newspaper notice are given as required by Section 34-60-108, C.R.S. However, the hearing can be held after the newspaper notice if all of the entities listed under Rule 503.b waive the 20-day notice requirement. The

hearing will be conducted pursuant to Rule 528.a. For purposes of the hearing, the operator will be the Applicant and the local government will be the respondent.

v. The Director will reject as incomplete a Form 2A submitted for a Large UMA Facility if the operator has not certified either that: it reached agreement regarding siting with the local government with land use authority; the local government waived the Rule 306.b.(4) procedures; or that it complied with the requirements of subsections A through D of this Rule 306.b.(4) and was unable to reach agreement with the local government with land use authority regarding siting.

600 Series

604.c.(4) Large UMA Facilities. Large UMA Facilities should be built and operated using the best available technology and in conformance with state-of-the-science measures to avoid or minimize adverse impacts to adjoining land uses. To achieve this objective, the Commission will require a combination of best management practices, required mitigation measures, and site-specific mitigation measures related to operational and technical aspects of a proposed Large UMA Facility. No best management practice or mitigation measure required pursuant to this Rule is intended to or shall be interpreted to alter any existing land use authority a local government may have over such a facility.

A. Required Best Management Practices. A Form 2A for a Large UMA Facility will not be approved until best management practices addressing all of the following have been incorporated into the Oil and Gas Location Assessment permit.

i. Fire, explosion, chemical, and toxic emission hazards, including lightning strike hazards.

ii. Fluid leak detection, repair, reporting, and record keeping for all above and below ground on-site fluid handling, storage, and transportation equipment.

iii. Automated well control measures to prevent gas venting during emission control system failures or other upset conditions.

iv. Zero flaring or venting of gas upon completion of flowback, excepting upset or emergency conditions.

v. Storage tank pressure and fluid management.

vi. Fracture proppant dust control.

B. Required Mitigation Measures. The following mitigation measures will be imposed as permit conditions on all Large UMA Facility Oil and Gas Location Assessment Permits to effectively mitigate potential impacts to public health, safety, and welfare, including the environment.

i. All Rule 604.c.(3).B Exception Zone Setback mitigation measures are required for all Large UMA Facilities, regardless of whether the Large UMA Facility is located in the Buffer Zone or the Exception Zone.

ii. The Director, in consultation with the operator, will impose a time limit on the duration of drilling, completion, and stimulation operations for the location, measured from the move-in-rig-up date to the last day of stimulation operations. In establishing the duration limit, the Director will consider site-specific conditions, including but not limited to the distance to and number of nearby Residential Building Units; operational features such as the number, horsepower, and fuel source of engines and generators anticipated to be in use; whether stimulation operations will occur on-site or remotely; stimulation water sources and delivery; and volume of heavy truck traffic to and from the location during drilling, completion, and stimulation operations. The Director will to grant a one-time extension of the duration limit, not to exceed 30 days, for bona fide, unexpected technical difficulties or force majeure conditions. The Director may confer with local governments that receive notice of a Large UMA Facility pursuant to Rule 306.b.(4)A. and D concerning the duration limit.

C. Site Specific Mitigation Measures. In addition to the requirements of subsections A. and B. of this Rule 604.c.(4), the Director may impose site-specific conditions of approval to ensure that anticipated impacts are mitigated to the maximum extent achievable. The following non-exclusive list illustrates types of potential impacts the Director may evaluate, for which site-specific conditions of approval may be required:

i. Noise. Ambient sound studies, continuous sound monitoring, strategies for minimizing C-scale noise (vibrations), or other best management practices not explicitly required by rule may be considered.

ii. Ground and surface water protection.

iii. Visual impacts associated with placement of wells or production equipment.

iv. Remote stimulation operations.

D. The Director retains discretion to require conditions of approval to address site-specific conditions other than those identified above at any Large UMA Facility. Nothing in this Rule 604.c.(4) shall be construed to limit the Director's discretion to impose conditions of approval on a Form 2A for any Oil and Gas Location based on site-specific conditions.

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300 Series

302.c. Operator Registration with Local Governments for Advance Planning

1. When used in this subpart, "local jurisdiction" means a home rule or statutory city, town, territorial charter city, or city and county.
2. Beginning on March 1, 2016, all operators that have filed a Form 1 with the Commission shall register with the Local Governmental Designee ("LGD") of each local jurisdiction in which it has current or planned oil and gas operations.
3. An LGD may request any operator registered within its jurisdiction to provide the following information to the LGD and the Commission's Local Government Liaison ("LGL"):
 - a. Based on an operator's current business plan, a good faith estimate of the number of wells the operator intends to drill in the next five years in the local jurisdiction **[,including the jurisdiction's growth management area]. [A publicly traded company's well estimates may be based on reserves classified as "proved undeveloped" for SEC reporting purposes.]**
 - b. A map showing the location within the local jurisdiction **[,including the jurisdiction's growth management area,]** of an operator's existing well sites and related production facilities; sites for which the operator has approved, or has submitted applications for, **[drilling and spacing orders,]** Form 2s or Form 2As; and, sites the operator has identified for development on its current drilling schedule for which it has not yet submitted applications for Commission permits.
 - c. An operator will provide estimates requested pursuant to this subsection 3 using reasonable business judgment based on information known to the operator at the time the estimates are submitted. Estimates provided by the operator may be subject to change at any time.

Conforming Rule Changes

303.b.(3)K. ~~Rule 305a.(1)~~ Certification of Local Government Notification in Urban Mitigation Areas.

- i. If the proposed Oil and Gas Location is within an Urban Mitigation Area, but is not a Large UMA Facility, the operator shall submit evidence that the local government received the pre-application notice required by Rule 305.a.(1) ~~shall be attached.~~
- ii. For a Large UMA Facility, the operator shall be attached certify on the Form 2A that it complied with Rule 306.b.(4), or that the relevant local government waived the Rule 306.b.(4) procedures.

303.c. PROCESSING TIME FOR APPROVALS UNDER THIS SECTION.

(1) In accordance with Rule 216.f.(3), where a proposed Oil and Gas Location is covered by an approved Comprehensive Drilling Plan and no variance is sought from such Plan or these rules not addressed in the Comprehensive Drilling Plan, the Director shall give priority to and approve or deny an Application for Permit-to-Drill, Form 2, or, where applicable, Oil and Gas Location Assessment, Form 2A, that is not a Large UMA Facility within thirty ~~(30)~~ days of a determination that such application is complete pursuant to Rule 303.h, unless significant new information is brought to the attention of the Director. The Director shall give priority to a Form 2A proposing a Large UMA Facility that is consistent with a Comprehensive Drilling Plan, or a local government comprehensive plan that specifies locations for oil and gas facilities, and shall approve or deny such an application within sixty days.

(2) ~~#~~Request for Hearing.

A. An operator may request a hearing before the Commission on a permit application if the Director has not issued a decision on ~~an~~:

i. An Application for Permit-to-Drill, Form 2, ~~or an Oil and Gas Location Assessment, Form 2A,~~ within seventy-five (75) days of a determination that ~~such~~the application is complete, ~~the operator may request;~~

ii. An Oil and Gas Location Assessment, Form 2A, for a hearing before Location that is not a Large UMA Facility within seventy-five (75)

days of a determination that the Commission on the permit application is complete; or

iii. An Oil and Gas Location Assessment, Form 2A, for a Large UMA Facility within one hundred fifty (150) days of a determination that the application is complete.

B. Such a hearing shall be expedited but will be held only after both the 20 days' notice and the newspaper notice are given as required by Section 34-60-108, C.R.S. However, the hearing can be held after the newspaper notice if all of the entities listed under Rule 503.b waive the 20-day notice requirement.

305.a.(1) Urban Mitigation Area Notice to Local Government. For Oil and Gas Locations within an Urban Mitigation Area, an Operator shall notify the local government in writing that it intends to apply for an Oil and Gas Location Assessment. Such notice shall be provided to the Local Governmental Designee in those jurisdictions that have designated an LGD, and to the planning department in jurisdictions that have no LGD. The notice shall include a general description of the proposed Oil and Gas Facilities, the location of the proposed Oil and Gas Facilities, the anticipated date operations (by calendar quarter and year) will commence, and that an additional notice pursuant to Rule 305.c. will be sent by the Operator. This notice shall serve as an invitation to the local government to engage in discussions with the Operator regarding proposed operations and timing, local government jurisdictional requirements, and opportunities to collaborate regarding site development. A local government may waive its right to notice under this provision at any time by providing written notice to an Operator and the Director. If the local government and operator have reached agreement regarding the site for a proposed Large UMA Facility, the notice requirement of this subpart does not apply.

305.d. Comment Period.- The Director shall not approve a Form 2A, or any associated Form 2, for a proposed Well or Production Facility ~~for twenty (20) days from posting pursuant to Rule 305.b~~during the comment period, and shall accept and immediately post on the Commission's website any comments received from the public, the Local Governmental Designee, the Colorado Department of Public Health and Environment, or Colorado Parks and Wildlife regarding the proposed Oil and Gas Location.

~~(4)~~(1) The comment period for a Form 2 or a Form 2A for an Oil and Gas Location that is not a Large UMA Facility is twenty (20) days from posting pursuant to Rule 305.b.

A. The Director shall extend the comment period to thirty (30) days upon the written request during the twenty (20) day comment period by the Local Governmental Designee, the Colorado Department of Public Health and Environment, Colorado Parks and Wildlife, the Surface Owner, or an owner of surface property who receives notice under Rule 305.c.(1)(A).iii.

~~(2)~~B. For Oil and Gas Locations proposed within an Urban Mitigation Area or within five hundred (500) feet of a Building Unit, the Director shall extend the comment period to not more than forty (40) days upon the written request of the Local Governmental Designee received within the original 20 day comment period.

(2) For a Large UMA Facility, the comment period is forty (40) days from posting pursuant to Rule 305.b.

(3) The Director shall post notice of an extension granted under this provision on the COGCC website within twenty-four (24) hours of receipt of the extension request.

306.d.(1) Consultation to Occur.

A. The Commission shall consult with the Colorado Department of Public Health and Environment on an Application for Permit-to-Drill, Form 2, or an Oil and Gas Location Assessment, Form 2A, where:

i. Within fourteen (14) days of notification pursuant to Rule 305, the Local Governmental Designee requests the participation of the Colorado Department of Public Health and Environment in the Commission's consideration of an Application for Permit-to-Drill, Form 2, or Oil and Gas Location Assessment, Form 2A, based on concerns regarding public health, safety, welfare, or impacts to the environment;

ii. The operator seeks from the Director a variance from, or consultation is otherwise required or permitted under, a provision of one of the following rules intended for the protection of public health, safety, welfare, or the environment:

aa. Rule 317B. Public Water System Protection;

- bb. Rule 325. Underground Disposal of Water;
- cc. Rule 603. Statewide Location Requirements for Oil and Gas Facilities, Drilling, and Well Servicing Operations;
- dd. Rule 604. Setback and Mitigation Measures for Oil and Gas Facilities, Drilling, and Well Servicing Operations;
- ee. Rule 608. Coalbed Methane Wells;
- ff. Rule 805. Odors and Dust;
- gg. 900-Series E&P Waste Management; or
- hh. Rule 1002.f. Stormwater Management.

All requests for variances from these rules must be made at the time an operator submits a Form 2A.

iii. The operator submits an Application for an Oil and Gas Location Assessment, Form 2A, for a Large UMA Facility.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND
ENVIRONMENT**

WATER QUALITY CONTROL COMMISSION

5 CCR 1002-93

REGULATION #93

**COLORADO'S SECTION 303(D) LIST OF IMPAIRED WATERS AND
MONITORING AND EVALUATION LIST**

93.1 Authority

These regulations are promulgated pursuant to section 25-8-101 et seq C.R.S. as amended, and in particular, 25-8-202 (1) (a), (b), (i), (2) and (6); 25-8-203 and 25-8-204.

93.2 Purpose

This regulation establishes Colorado's Lists of Impaired Waters. These waters include Water-Quality-Limited Segments Requiring Total Maximum Daily Loads ("TMDLs"), and Colorado's Monitoring and Evaluation List, and impaired waters that do not require a TMDL.

- (1) The list of Water-Quality-Limited Segments Requiring TMDLs fulfills requirements of section 303(d) of the federal Clean Water Act which requires that states submit to the U.S. Environmental Protection Agency a list of those waters for which technology-based effluent limitations and other required controls are not stringent enough to implement water quality standards. These segments are included in Section 93.3 with parameters included in the Clean Water Section 303(d) Impairment column.
- (2) Colorado's Monitoring and Evaluation List identifies water bodies where there is reason to suspect water quality problems, but there is also uncertainty regarding one or more factors, such as the representative nature of the data. Water bodies that are impaired, but it is unclear whether the cause of impairment is attributable to pollutants as opposed to pollution, are also placed on the Monitoring and Evaluation List. This Monitoring and Evaluation list is a state-only document that is not subject to EPA approval. These segments are included in Section 93.3 with parameters included in the Colorado's Monitoring and Evaluation column.
- (3) The list of Water-Quality-Limited Segments Not Requiring a TMDL identifies segments where data is available that indicates that at least one classified use is not being supported, but a TMDL is not needed. These segments and parameters are included in Section 93.4.

93.3 Water Bodies Requiring TMDLs or Identified for Monitoring and Evaluation

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Only those segments where a Clean Water Section 303(d) Impairment has been determined require TMDLs. For these segments, TMDLs are only required for those parameters that are identified as impairments. Listings marked with an asterisk (*) are carryover from the 1998 303(d) List. Consequently they are all high priority.

WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COAR	Arkansas River Basin				
COARFO01a	Fountain Creek and tributaries above Monument Creek	all	Hg, U	<i>E. coli</i> , <u>Fe(Trec)</u> , Mn, As, U	H
COARFO02a	Fountain Creek, Monument Creek to Hwy 47	all	Fe(Trec)	<i>E. coli</i> , <u>Fe(Trec)</u>	H
COARFO02b	Fountain Creek from Hwy 47 to the Arkansas River	all		<i>E. coli</i> (May-October)	H
<u>COARFO03a</u>	<u>Tributaries to Fountain Creek within the National Forest or Air Force Academy lands, from Monument Creek to the Arkansas River</u>	<u>West Monument Creek</u>		<u>Aquatic Life (provisional)</u>	<u>H</u>
<u>COARFO03b</u>	<u>Bear Creek, and all tributaries, from the source to a point immediately upstream of Gold Camp Road.</u>	<u>all</u>		<u>Cu</u>	<u>H</u>
COARFO04	All tribs to Fountain Creek, which are not on National Forest or Air Force Academy Land	all		<i>E. coli</i> , <u>Se</u>	H
COARFO04	All tribs to Fountain Creek, which are not on National Forest or Air Force Academy Land	Sand Creek	Aquatic Life		
<u>COARFO05</u>	<u>Jimmy Camp Creek and unnamed tributary below Fort Carson and surrounding marshlands</u>	<u>all</u>	<u>Fe(Trec)</u>		

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WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COSPUS23	Lakes and reservoirs in the Upper South Platte watershed within the City and County of Denver.	Huston Lake	<u>E. coli</u> , Fe(Trec)	pH, <u>D.O.</u>	<u>M</u>
COUC	Upper Colorado River Basin				
<u>COUCBL01</u>	<u>Mainstem of the Blue River from the source to the confluence with French Gulch</u>	<u>all</u>		<u>Aquatic Life (provisional)</u>	<u>H</u>
COUCBL02a	Mainstem of the Blue River from the confluence with French Gulch to a point one half mile below Summit County Road 3.	all		Mn(WS)	L
<u>COUCBL02a</u>	<u>Mainstem of the Blue River from the confluence with French Gulch to a point one half mile below Summit County Road 3.</u>	<u>Above South Barton Gulch</u>		<u>Zn</u>	<u>H</u>
<u>COUCBL02b</u>	<u>Mainstem of the Blue River from a point one half mile below Summit County Road 3 to the confluence with the Swan River</u>	<u>all</u>		<u>Aquatic Life (provisional) - Zn</u>	<u>H</u>
<u>COUCBL02c</u>	<u>Mainstem of the Blue River from the confluence with the Swan River to Dillon Reservoir</u>	<u>all</u>		<u>Aquatic Life, As</u>	<u>H</u>
COUCBL04a	All direct tributaries to Dillon Reservoir and all tributaries and wetlands in the Blue River drainage above Dillon Reservoir.	Gold Run Gulch below Jessie Mine	Cd, Zn	<u>Zn, As</u>	<u>H</u>

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WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
<u>COUCBL04a</u>	<u>All direct tributaries to Dillon Reservoir and all tributaries in the Blue River drainage above Dillon Reservoir.</u>	<u>Meadow Creek</u>	<u>Zn</u>	<u>Cu</u>	<u>H</u>
<u>COUCBL05</u>	<u>Mainstem of Soda Creek from the source to Dillon Reservoir</u>	<u>all</u>		<u>Aquatic Life (provisional)</u>	<u>H</u>
<u>COUCBL08</u> <u>COUCBL06a</u>	<u>Keystone Gulch, Chihuahua Creek, North Fork of the Snake River and Jones Gulch including all tributaries.</u> <u>Mainstem of the Snake River, including all tributaries and wetlands from the source to Dillon Reservoir, except for specific listings in Segments 6b, 7, 8 and 9.</u>	<u>all</u>		<u>Cd, Mn, Zn</u>	<u>H</u>
<u>COUCBL12</u>	<u>Mainstem of Illinois Gulch and Fredonia Gulch from their source to their confluence with the Blue River</u>	<u>all</u>	<u>As, Cu</u>	<u>Mn, Zn</u>	<u>M</u>
<u>COUCBL13</u>	<u>Tenmile Creek from the Climax Parshall Flume to the confluence of West Tenmile Creek and all tributaries from the source of Tenmile Creek to the confluence with West Tenmile Creek</u>	<u>all</u>		<u>Mn</u>	<u>L</u>

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WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COUCBL17	Mainstem of the Blue River from the outlet of Dillon Reservoir to the confluence with the Colorado River.	Blue River from outlet of Dillon Reservoir to N. Rock Creek confluence <u>all</u>	Aquatic Life	Temperature, Aquatic Life	<u>H</u>
COUCBL17	Mainstem of the Blue River from the outlet of Dillon Reservoir to the confluence with the Colorado River.	Blue River downstream of Green Mtn Reservoir		Temperature	
COUCBL20	Mainstem of Elliott Creek and Spruce Creek including all tributaries and wetlands from their sources to the confluence with the Blue River	Spruce Creek	Fe(Trec), Fe(Dis)	<u>As</u>	<u>H</u>
<u>COUCEA02</u>	<u>Mainstem of the Eagle River from the source to the compressor house bridge at Belden.</u>	<u>all</u>		<u>As, Zn</u>	<u>H</u>
COUCEA05c	Eagle River, Martin Creek to Gore Creek	all		Cd, <u>As, Fe(Dis)</u>	H
<u>COUCEA06</u>	<u>Tributaries to Eagle River, Belden to Lake Creek, except specific segments</u>	<u>all</u>		<u>As</u>	<u>H</u>
COUCEA06	Tributaries to Eagle River, Belden to Lake Creek, except specific segments	Black Gore Creek, adjacent to I-70	Aquatic Life	Sediment	H
COUCEA06	Tributaries to Eagle River, Belden to Lake Creek, except specific segments	Mainstem of Lake Creek from below the confluence with East and West Lake Creek to the mouth		Aquatic Life (provisional)	L

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WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COUCEA06	Tributaries to Eagle River, Belden to Lake Creek, except specific segments	Beaver Creek from confluence with Wayne Creek to Mouth	Aquatic Life	<u>Aquatic Life (provisional)</u>	<u>H</u>
COUCEA06	Tributaries to Eagle River, Belden to Lake Creek, except specific segments	Red Sandstone Creek from USFS Boundary to north side I-70 Frontage Road	Aquatic Life		
COUCEA06	Tributaries to Eagle River, Belden to Lake Creek, except specific segments	Red Sandstone Creek from north side I-70 Frontage Road to confluence with Gore Creek		Aquatic Life (provisional)	L
<u>COUCEA06</u>	<u>Tributaries to Eagle River, Belden to Lake Creek, except specific segments</u>	<u>Gore Creek</u>		<u>Aquatic Life (provisional)</u>	<u>H</u>
COUCEA08	Mainstem of Gore Creek from the confluence with Black Gore Creek to the confluence with the Eagle River.	all		Aquatic Life (provisional)	L
<u>COUCEA09a</u>	<u>Mainstem of the Eagle River from Gore Creek to a point immediately below the confluence with Rube Squaw Creek.</u>	<u>all</u>		<u>As Aquatic Life (provisional)</u>	<u>H</u>
COUCEA09a	Mainstem of the Eagle River from Gore Creek to a point immediately below the confluence with Rube Creek.	From Berry Creek to confluence with Ute Creek	Temperature		

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WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COUCEA09a	Mainstem of the Eagle River from Gore Creek to a point immediately below the confluence with Rube Creek.	From Ute Creek to confluence with Rube Creek		Temperature	H
COUCEA09a	Mainstem of the Eagle River from Gore Creek to a point immediately below the confluence with Rube Squaw Creek.	Eagle River from confluence with Berry Creek to confluence with Squaw Creek	Aquatic Life	Sediment, Aquatic Life	H
COUCEA09a	Mainstem of the Eagle River from Gore Creek to a point immediately below the confluence with Rube Squaw Creek.	Eagle River from Gore Creek to confluence with Berry Creek and from Squaw Creek to confluence with Rube Creek	Sediment		
<u>COUCEA09b</u>	<u>Mainstem of the Eagle River from Squaw Creek to the confluence with Rube Creek</u>	<u>all</u>	<u>As, Sediment</u>		
<u>COUCEA09c</u>	<u>Mainstem of the Eagle River from the confluence with Rube Creek to the confluence with the Colorado River</u>	<u>all</u>	<u>As</u>	<u>As</u>	
COUCEA10a	All tributaries to the Eagle River from Lake Creek to the Colorado River.	Eby Creek	Se		
COUCNP01	Tribs to the N Platte & Encampment Rivers w/in Wilderness Areas	South Fork Big Creek	<u>Cu, <i>E.coli</i></u>	<u>As</u>	<u>H</u>
<u>COUCNP03</u>	<u>North Platte River from Grizzly & Little Grizzly Creeks to Wyo border</u>	<u>all</u>	<u>As</u>	<u>Fe(Dis)</u>	<u>L</u>

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WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COUCNP04a	Tributaries to the North Platte River except those tributaries in Segment 1, 4b, 6, 7a and 7b.	Canadian River	Fe (Dis) , <i>E. coli</i> ,	<u>Fe(Dis)</u> , <u>Mn</u>	<u>L</u>
COUCNP04a	All tributaries to N. Platte River except segments 4b, 6, 7a and 7b	Grizzly Creek, Little Grizzly Creek	Aquatic Life Use, <u>As</u>		
<u>COUCNP04a</u>	All tributaries to N. Platte River except segments 4b, 6, 7a and 7b	Little Grizzly Creek	<u>E. coli</u> , <u>Fe(Trec)</u>	<u>Aquatic Life</u>	<u>H</u>
COUCNP04a	All tributaries to N. Platte River except segments 4b, 6, 7a and 7b	Lake Creek	pH, Fe(Trec), <u>Mn</u>		
<u>COUCNP04a</u>	<u>All tributaries to N. Platte River except segments 4b, 6, 7a and 7b</u>	<u>Michigan River</u>	<u>As</u> , <u>Fe(Dis)</u>		
<u>COUCNP04a</u>	<u>All tributaries to N. Platte River except segments 4b, 6, 7a and 7b</u>	<u>Illinois River</u>	<u>Cu</u> , <u>Fe(dis)</u>	<u>As</u> , <u>Fe(Dis)</u>	<u>H/L</u>
<u>COUCNP04a</u>	<u>All tributaries to N. Platte River except segments 4b, 6, 7a and 7b</u>	<u>South Fork Big Creek</u>		<u>As</u>	<u>H</u>
<u>COUCNP04a</u>	<u>All tributaries to N. Platte River except segments 4b, 6, 7a and 7b</u>	<u>Snyder Creek</u>		<u>As</u> , <u>Fe(Dis)</u> , <u>Fe(Trec)</u> , <u>Mn</u>	<u>H/L</u>
COUCNP04b	Mainstem of the Illinois and Canadian Rivers, including all tributaries of the Illinois from Indian Creek to Michigan River except for specific listings in Segments 7a and 7b, and all tribs of Canadian entering the mainstem from the Southwest	Illinois River		<u>Fe (Trec)</u> , <u>As</u> , <u>Fe(Dis)</u> , <u>Mn</u>	<u>M/H</u>

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WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
<u>COUCNP05b</u>	<u>Mainstem of the Michigan River from the source to the confluence with the North Fork Michigan River</u>	all	<u>Cu</u>	<u>As, Fe(Dis), Mn</u>	<u>H/L</u>
<u>COUCNP06</u>	<u>Mainstem of Pinkham Creek from the Routt National Forest boundary to the North Platte River</u>	all	<u>Cu</u>		
COUCNP07b	Government Creek, Spring Creek	Spring Creek		D.O.	M
COUCNP04a09	All tributaries to N. Platte River except segments 4b, 6, 7a and 7b <u>All lakes and reservoirs tributary to the North Platte and Encampment Rivers</u>	Big Creek Reservoir	Aquatic Life Use (Hg Fish Tissue)	<u>Aquatic Life Use (Hg Fish Tissue)</u>	<u>H</u>
COUCNP09	All lakes and reservoirs tributary to the North Platte and Encampment Rivers	Lake John, North Delaney Lake	pH	<u>As</u>	
COUCNP09	All lakes and reservoirs tributary to the North Platte and Encampment Rivers	Lake John		D.O., pH, As	H
<u>COUCRF02</u>	<u>Mainstem of the Roaring Fork River including all tributaries from the source to the confluence with Hunter Creek</u>	all	<u>Cu</u>		

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WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COUCRF03a	Roaring Fork including all tributaries and wetlands from Hunter Creek to the Colorado River except segments 3b through 10	Capitol Creek	Se		
COUCRF03a	Roaring Fork including all tributaries and wetlands from Hunter Creek to the Colorado River	West Sopris Creek		Aquatic Life (provisional)	L
COUCRF03a	Roaring Fork including all tributaries and wetlands from Hunter Creek to the Colorado River	Roaring Fork from confluence with Hunter Creek to <u>the confluence of Trentaz Gulch below Brush Creek confluence,</u>		Aquatic Life (provisional)	L
COUCRF03b	Red Canyon Creek including all tributaries and wetlands from the source to the Roaring Fork except Landis Creek from source to Hopkins Ditch Diversion	Landis Creek	Fe(Trec)		
COUCRF03c	<u>Roaring Fork River, from the Fryingpan River to the Colorado River. Three Mile Creek, including all tributaries from the source to the Roaring Fork River</u>	<u>all</u>		<u>Temperature</u>	<u>H</u>
COUCRF03c	<u>Roaring Fork River, from the Fryingpan River to the Colorado River. Three Mile Creek, including all tributaries from the source to the Roaring Fork River</u>	<u>Roaring Fork below the confluence with the Crystal River to the mouth</u>		<u>As</u>	<u>H</u>

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Exhibit 2

WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COUCRF03ad	Roaring Fork including all tributaries and wetlands from Hunter Creek to the Colorado River	Cattle Creek from Bowers Gulch to mouth		Aquatic Life (provisional)	L
COUCRF04	Mainstem of Brush Creek from the source to the confluence with the Roaring Fork River.	Mainstem Brush Creek		Aquatic Life (provisional)	L
COUCRF07	All tributaries to the Fryingpan River	South Fork Frying Pan River from transbasin diversion to confluence with unnamed tributary (39.25128°N, -106.59442°W)		Aquatic Life (provisional)	L
COUCRF10	Thompson Creek including all tributaries and wetlands from the source to the Crystal River	Thompson Creek	Fe(Tree)		
COUCUC0212	Mainstem of the Colorado River, including all tributaries and wetlands within or flowing into Arapahoe National Recreation Area. Lakes and reservoirs within Arapahoe National Recreation Area, including Grand Lake, Shadow Mountain Lake and Lake Granby	Willow Creek Reservoir	As	Mn, Fe(dis)	L

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WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COUCUC02	<u>Mainstem of the Colorado River, including all tributaries and wetlands within or flowing into Arapahoe National Recreation Area.</u>	<u>Willow Creek, Stillwater Creek and Arapaho Creek</u>	<u>Temperature</u>	<u>Temperature</u>	
<u>COUCUC02</u>	<u>Mainstem of the Colorado River, including all tributaries and wetlands within or flowing into Arapahoe National Recreation Area.</u>	<u>All North Inlet to Grand Lake</u>		<u>Cu</u>	<u>H</u>
COUCUC02	<u>Mainstem of the Colorado River, including all tributaries and wetlands within or flowing into Arapahoe National Recreation Area.</u>	<u>Colorado River from Shadow Mountain Reservoir to Granby Reservoir</u>		Temperature	H
<u>COUCUC03</u>	<u>Mainstem of the Colorado River from Lake Granby to the Roaring Fork River.</u>	<u>all Lake Granby to Gore Canyon</u>	<u>As, Mn</u>		
COUCUC03	Mainstem of the Colorado River from Lake Granby to the Roaring Fork River.	From 578 Road Bridge to just above the confluence with the Blue River From 578 Road Bridge		Temperature, <u>Mn</u> (WS)	H
COUCUC03	Mainstem of the Colorado River from Lake Granby to the Roaring Fork River.	From the outlet of Windy Gap Reservoir to 578 Road Bridge <u>Mainstem of the Colorado River from Reader Creek to Derby Creek</u>	Aquatic Life		

WQCD Regulation No. 93 Revised Proposal - PHS
Exhibit 2

WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COUCUC06b	Mainstem of unnamed tributary from the headwaters to Willow Creek Reservoir Road	all	D.O.		
COUCUC07a	All tribs to the Colorado River, including wetlands from a point abv the confluence with the Blue River to blw confluence with the Roaring Fork, which are not on National Forest Lands except specific listings in segment 7b.	Alkali Slough	<u>Mn</u>	Fe (Trec), Se, <u>SO₄</u>	L
COUCUC07a	All tribs to the Colorado River, including wetlands from a point abv the confluence with the Blue River to blw confluence with the Roaring Fork, which are not on National Forest Lands except specific listings in segment 7b.	Muddy Creek and tribs	Temperature	<u>Temperature, As</u>	<u>H</u>
COUCUC07b	Muddy Creek from Wolford Mountain Reservoir. Rock Creek, Deep Creek, Sheephorn Creek Sweetwater Creek and Piney River.	Muddy Creek from Wolford Mountain Reservoir to Gow Gulch	Temperature		
COUCUC07b	Muddy Creek from Wolford Mountain Reservoir. Rock Creek, Deep Creek, Sheephorn Creek Sweetwater Creek and Piney River.	Muddy Creek from Cow Gulch to the Colorado River <u>Muddy Creek and tributaries</u>		Temperature	H
<u>COUCUC07b</u>	<u>Muddy Creek from Wolford Mountain Reservoir. Rock Creek, Deep Creek, Sheephorn Creek Sweetwater Creek and Piney River.</u>	<u>Muddy Creek</u>	<u>Mn</u>	<u>As, Mn</u>	<u>H</u>

WQCD Regulation No. 93 Revised Proposal - PHS
Exhibit 2

WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
<u>COUCUC08</u>	<u>Williams Fork River, including all tributaries from the source to the confluence with the Colorado river, except those listed in segment 9</u>	<u>all</u>		<u>Cu, Boron</u>	<u>H/ M</u>
COUCUC10a	Mainstem of the Fraser River from the source to a point immediately below the Rendezvous Bridge. All tributaries to the Fraser River, from the source to the Colorado River	Fraser River, Vasquez Creek		Aquatic Life (provisional)	L
COUCUC10a	Mainstem of the Fraser River from the source to a point immediately below the Rendezvous Bridge. All tributaries to the Fraser River, from the source to the Colorado River.	Ranch Creek		Temperature	L
<u>COUCUC10a</u>	<u>Mainstem of the Fraser River from the source to a point immediately below the Rendezvous Bridge. All tributaries to the Fraser River, from the source to the Colorado River.</u>	<u>Fraser River</u>	<u>Boron</u>		
<u>COUCUC10a</u>	<u>Mainstem of the Fraser River from the source to a point immediately below the Rendezvous Bridge. All tributaries to the Fraser River, from the source to the Colorado River.</u>	<u>all</u>		<u>Fe(Dis)</u>	<u>L</u>

WQCD Regulation No. 93 Revised Proposal - PHS
Exhibit 2

WBID	Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
<u>COUCUC10a</u>	<u>Mainstem of the Fraser River from the source to a point immediately below the Rendezvous Bridge. All tributaries to the Fraser River, from the source to the Colorado River.</u>	<u>Vasquez Creek</u>		<u>Cu</u>	<u>H</u>
COUCUC10c	Mainstem of the Fraser River from Hammond Ditch to the Colorado River.	all		Temperature, As, Fe(Dis), NO ₃	L/H
<u>COUCUC10e</u>	<u>Mainstem of the Fraser River, from the Hammond Ditch to the confluence with the Colorado River</u>	<u>From the Town of Fraser to the confluence with the Colorado River.</u>	<u>Cu</u>		
<u>COUCUC10e</u>	<u>Mainstem of the Fraser River, from the Hammond Ditch to the confluence with the Colorado River</u>	<u>From the Town of Tabernash to the Town of Granby</u>	<u>Pb</u>		
COUCUC12	Colorado River and tributaries, wetlands, lakes and reservoirs within Arapahoe National Recreation Area	Shadow Mountain Reservoir Lake		D.O., As	H
COUCUC12	Lakes and Reservoirs within Arapahoe National Recreation Area including Grand Lake, Shadow Mountain Lake and Lake Granby	Lake Granby		Aquatic Life Use (Hg Fish Tissue)	H
COUCYA02a	Mainstem of the Yampa River from Wheeler Creek to Oak Creek.	Yampa River belowabove Stagecoach Reservoir	Mn, Se	Temperature, As,	H
<u>COUCYA02b</u>	<u>Yampa River from Oak Creek to Elkhead Creek</u>	<u>all</u>		Temperature, As, Cu	<u>H</u>

WQCD Regulation No. 93 Revised Proposal - PHS
Exhibit 2

Impaired Water Bodies Not Requiring TMDLs					
<u>WBID</u>	<u>Segment Description</u>	<u>Approved TMDL Parameter(s)</u>	<u>Category 4b Parameter(s)</u>	<u>Category 4c Parameter(s)</u>	<u>TMDL Approval Date</u>
<u>COSPUS05b</u>	<u>Geneva Creek, Scott Gomer Creek to N. Fork S. Platte River</u>	<u>Cu</u>			<u>8/22/2008</u>
<u>COSPUS05b</u>	<u>Geneva Creek, Scott Gomer Creek to N. Fork S. Platte River</u>	<u>Zn</u>			<u>8/22/2008</u>
<u>COSPUS14</u>	<u>South Platte River, Bowles Avenue to Burlington Ditch</u>	<u>NO₃</u>			<u>6/4/2004</u>
<u>COSPUS14</u>	<u>S. Platte River, Bowles Ave. to Burlington Ditch</u>	<u>E. coli</u>			<u>10/30/2007</u>
<u>COSPUS15</u>	<u>South Platte, Burlington Ditch to Big Dry Creek</u>	<u>DO</u>			<u>7/30/2000</u>
<u>COSPUS15</u>	<u>South Platte River, Burlington Ditch to Big Dry Creek</u>	<u>Cd</u>			<u>9/8/2006</u>
<u>COSPUS15</u>	<u>South Platte, Burlington Ditch to Big Dry Creek</u>	<u>Cd</u>			<u>7/19/2011</u>
<u>COSPUS15</u>	<u>South Platte, Burlington Ditch to Big Dry Creek</u>		<u>Ammonia & Nitrate</u>		<u>8/20/2009</u>
<u>COUCBL06</u>	<u>Snake River, source to Dillon Reservoir</u>	<u>Cd, Cu, Pb, Zn, pH</u>			<u>9/23/2008</u>
<u>COUCBL07</u>	<u>Peru Creek</u>	<u>Cd, Cu, Pb, Zn, pH, Mn</u>			<u>9/23/2008</u>
<u>COUCBL12</u>	<u>Illinois Gulch</u>	<u>Zn</u>			<u>2/1/2010</u>
<u>COUCBL12</u>	<u>Illinois Gulch</u>	<u>Cd</u>			<u>6/13/2011</u>
<u>COUCBL18</u>	<u>Straight Creek</u>	<u>sediment</u>			<u>8/11/2000</u>
<u>COUCEA05(a, b,&c)</u>	<u>Eagle River, Belden to Gore Creek</u>	<u>Cu, Zn</u>			<u>8/31/2009</u>
<u>COUCEA07b</u>	<u>Cross Creek, source to Eagle River</u>	<u>Cu, Zn</u>			<u>8/31/2009</u>
<u>COUCUC06C</u>	<u>Un-named tributary to Willow Creek</u>	<u>NH₃</u>			<u>7/30/2000</u>

93.45 - 93.9 Reserved

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Colorado Watershed Restoration Program Grant Application
(Stream Management Plan Category)

Project Summary Sheet

Project Title: Colorado Basin Roundtable Integrated Water Management Planning Framework

Project Location: Colorado River Basin within Colorado

Grant Type: Colorado Watershed Restoration Program, Stream Management Plan Category

Grant Request: \$67,937

Cash Match funding: \$53,399

In-Kind Match Funding: \$29,256

Project Sponsor: Colorado Basin Roundtable

Fiscal Agent: The Ruth Powell Hutchins Water Center at Colorado Mesa University

Primary Contact: Hannah Holm

Address: 1100 North Avenue, Grand Junction, CO 81501

Phone: 970-248-1968 (office); 970-683-1133 (cell)

Email: hholm@coloradomesa.edu

Project Description

This project will provide the informational and procedural framework for conducting comprehensive integrated water management plans in the Colorado River Basin. The purpose of these plans will be to identify ways to provide sufficient water for environmental needs while recognizing the needs of agricultural, domestic and industrial water users.

This project will include the following tasks:

1. **Information Gathering:** An extensive review and compilation of existing information relevant to the development of integrated water management plans. The resulting compilation will be available in table form and linked to a map of the basin to show spatially which stream reaches have been studied in what ways.
2. **Information Synthesis:** A detailed GIS map will utilize the information collected in task #1 to depict what available data shows about stream health in each stream segment in the basin.
3. **Stakeholder Engagement and Education:** Consultation with stakeholders in order to refine the goals and objectives of the basin-wide planning effort; achieve consensus on the recommended tools and processes for developing integrated water management plans; and establish priorities for implementation. Once priorities are established, outreach will be conducted in the priority sub-basins to solicit interest in developing detailed plans.
4. **Develop Framework for Stream Management Planning:** Drawing on the work done in tasks two and three, develop and describe a framework for the creation of integrated water management plans at the sub-basin level that facilitates the integration of discrete plans into a comprehensive tool that can be applied basin-wide.

SCOPE OF WORK

Project Sponsor: Colorado Basin Roundtable

Fiscal Agent: The Ruth Powell Hutchins Water Center at Colorado Mesa University

Primary Contact: Hannah Holm, 970-248-1968 (office); 970-683-1133 (cell); hholm@coloradomesa.edu

Address: 1100 North Avenue, Grand Junction, CO 81501

Project Title: Colorado Basin Roundtable Integrated Water Management Planning Framework

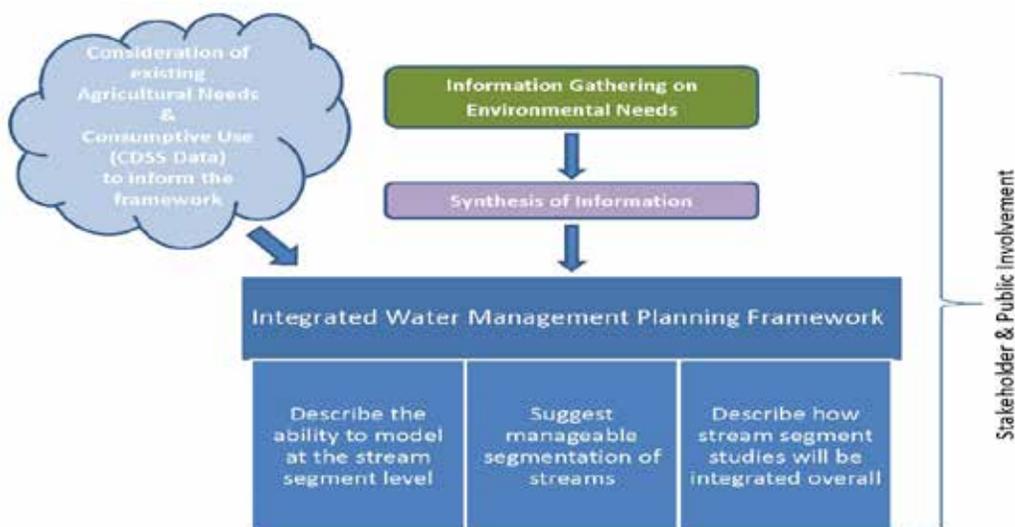
Grant Amount:

Introduction and Background

The Colorado Basin Roundtable (CBRT) has identified a basin-wide stream management plan (SMP) as a top priority in its Basin Implementation Plan. The CBRT feels that such planning is vital to providing sufficient water for environmental needs among the many competing uses and demands for water, and thereby restoring and protecting ecological processes that connect land and water while ensuring that streams also serve the needs of human populations.

Grand County began their SMP with a search of all the literature, studies, reports and existing management actions covering the upper Colorado River within Grand County. We propose here to follow Grand County's example in such a way that information gathering and synthesis inform stakeholder engagement and the development of a broad yet flexible template from which comprehensive and connected plans can be developed.

The CBRT views SMPs as comprehensive in the sense that they need to consider both consumptive and non-consumptive uses, which is why we are calling this project an "integrated water management planning framework." While tasks one and two focus on information gathering and synthesis related to environmental needs, we recognize that other work has been completed or is in the process of being updated with regard to consumptive use and needs in the basin. This body of work and its integration into a planning framework will be considered during tasks three and four, which involve stakeholder engagement and developing a framework for the creation of integrated water management plans at the the sub-basin level. This framework will facilitate the integration of discrete plans into a comprehensive tool that can be applied basin-wide. This graphic describes the overall process for this project:



Project Objective

The objective of this project is to develop an integrated water management planning framework for the watershed area within the purview of the Colorado Basin Roundtable (CBRT). The proposed work will lay the necessary groundwork for entities to develop detailed integrated water management plans (IWMPs) that address local and/or regional needs while also providing information and output that can be used for basin-level planning and management purposes. While this proposal initially focuses on quantifying non-consumptive needs, the CBRT foresees the use of IWMP tools that integrate both consumptive and non-consumptive uses to ensure that all existing and future uses are considered.

Task 1 – Information Gathering

Description of Task: Complete a targeted review and compilation of existing information relevant to the development of IWMP tools specific to the CBRT study area. This task will focus on the collection of literature, studies, reports and documented management actions and strategies that address or can inform, in whole or in part, one or more of the following questions:

- What flows are adequate to support the life stages of the fish native to the stream segments (i.e., magnitude, frequency and duration);
- What flows are necessary to provide adequate sediment flushing;
- What flows are necessary for channel, floodplain and riparian area maintenance;
- Is the stream healthy (i.e., what do indicators such as macroinvertebrate indices, fish population data, riparian condition assessments, etc. suggest); and
- What is known about the contribution of agricultural return flows as it relates to instream flows?

Method/Procedure: The Ruth Powell Hutchins Water Center (Water Center) at Colorado Mesa University (CMU) will conduct the inventory work. Recognizing that considerable work has been completed to date with regards to literature searches in the study area, the first step will include the assembling and querying of existing inventories from the following sources:

- CBRT Basin Implementation Plan;
- Watershed Flow Evaluation Tool Report;
- CBRT Non-consumptive Needs Assessment;
- Grand County Stream Management Plan; and
- Upper Colorado River Basin Resource Guide (CMU).

Following an initial querying of the existing inventories, the Water Center will complete its information gathering through reviewing the relevant scientific journals and communication with the various watershed groups in the study area; resource management, planning and regulatory agencies; academic institutions; and local governments.

Deliverable: The inventory will be compiled in a database format with identifying attributes that include information source, applicable sub-basin or stream reach(es), and data type. This database will be dynamically linked to the web-based interface “Upper Colorado River Basin Resource Guide”, which is currently under construction and resides at the Water Center. This guide includes maps to show spatially what stream reaches have been studied in what ways.

Task 2 – Information Synthesis

Description of Task: Information collected in Task 1 will be synthesized for the purpose of identifying what is already known, what information gaps exist and where, and what resources and technical expertise will be needed to fill those information gaps. This task will go beyond task 1 by depicting what available data shows about stream health in each stream segment in the basin. This task will be

undertaken in tandem with Tasks 3 and 4, recognizing the need to have a basic framework described in order to determine: 1) where existing information is adequate and appropriate and 2) what types of additional information are needed and at what level of detail.

Method/Procedure: From the inventory compilation, a contractor will extract, interpret and categorize information relevant to the five questions posed in Task 1. Results will be displayed and examined spatially to develop a better understanding, at a high scale of resolution, of what is known, how the information interrelates, where key information is lacking, and to determine optimization strategies for additional data collection.

Deliverable: A spatial geodatabase will be developed in GIS format to display results of the analysis.

Task 3 – Stakeholder Education and Engagement

Description of Task: A stakeholder process will be conducted through the CBRT for the purposes of:

- Refining the objectives and goals of the basin-wide IWMP process;
- Achieving consensus on the recommended tools, how they will be applied, and how results could be used utilized; and
- Establishing priorities for implementation.

As described in Task 2, outcomes from stakeholder discussions will be used to inform work completed in Tasks 2 and 4. Once priorities are established, the CBRT will conduct outreach within the priority sub-basins to solicit interest for developing detailed IWMPs.

Method/Procedure: The CBRT IWMP subcommittee will carry out the planning while the Water Center will provide the facilitation for conducting the stakeholder process. A total of four stakeholder meetings are anticipated. Additional community outreach will be conducted by CMU and the subcommittee members on an as needed basis.

Deliverable: Four stakeholder meetings and an estimated twelve community-based meetings.

Task 4 – Develop Framework for Stream Management Planning

Description of Task: The goal of this task is to develop and describe a framework for the creation of IWMPs at the sub-basin level that allows for the integration of discrete plans into a comprehensive tool that can be applied basin-wide. The framework will:

- Establish the underlying goals and objectives as determined at the basin-wide level;
- Suggest a process for refining region-specific goals and objectives;
- Describe data needs, acceptable protocols for data acquisition, tools for data interpretation, and models for developing and testing management scenarios;
- Consider how to integrate systems and models that quantify consumptive uses (e.g., Colorado Decision Support System, West Slope Joint Roundtable Framework Study, etc.) so that both consumptive and non-consumptive uses are considered as part of management modeling; and
- Establish the methods by which sub-basin IWMPs could be integrate for use in basin-wide planning and management.

Method/Procedure: A contractor will be utilized to develop the framework. Some work on data collection protocols and acceptability of modeling tools has already occurred through the CBRT process. The contractor's work will consider those discussions and outcomes while recommending additional, suitable protocols and tools.

Deliverable: Draft and final guidance document that draws on work completed in Tasks 1 through 4 to articulate how to developing IWMPs at the sub-basin level that allows for the integration of discrete plans into a comprehensive tool that can be applied basin-wide.

Task 5 – Project Management/Administration, including Reporting and Final Deliverable

Description of Task: This task includes contract and fiscal management, solicitation of and management of project consultants, and coordination with the CBRT and its subcommittees involved in project execution.

Method/Procedure: The Water Center will be the fiscal agent and administrative reporting agency for this grant. The Water Center will designate Hannah Holm as the Project Representative. The IWMP Subcommittee of the CBRT will advise on project management elements throughout the term of the project. Hannah’s resume and a list of IWMP Subcommittee members is contained in Attachment A.

Deliverable: Twice-yearly progress reports (three estimated) that describe the completion or partial completion of Tasks 1 through 4 including a reporting of any major issues that have arisen and the corrective action taken to address those issues. A final report will be submitted at project completion, summarizing the project, all documents and other deliverables, and how the project was completed.

Applicant Qualifications and Organizational Capacity

The Colorado Basin Roundtable, its IWMP subcommittee and the Water Center will provide strong leadership for this project, with the Roundtable and the subcommittee providing oversight and the Water Center managing the project.

The Colorado Basin Roundtable has a proven ability to successfully guide major collaborative projects to fruition, having successfully solicited and overseen several rounds of the Water and Energy Study and the development of the Watershed Flow Evaluation Tool, as well as the Colorado Basin Implementation Plan. The IWMP subcommittee includes several members that were deeply involved in these earlier efforts. Members have diverse skill sets and perspectives, which will help ensure that the resources and framework developed through this process are relevant and sensitive to the diverse stakeholders in the Colorado Basin.

The Water Center has established itself as a trusted, neutral entity with a strong record of inclusiveness and collaboration with diverse stakeholders in developing programs that address water challenges in western Colorado and the rest of the Upper Colorado River Basin. Water Center staff have worked with the Colorado Basin Roundtable for several years on outreach and education efforts and are familiar with the principal issues and interests in the basin.

Water Center Director Dr. Gigi Richard, a hydrologist and civil engineer with a strong background in GIS, will provide technical oversight for this project. Water Center Coordinator Hannah Holm will conduct most of the day-to-day management of this project and the majority of the literature review and facilitation work. Hannah has significant experience in project management and facilitation, having coordinated the process of establishing the Water Center, as well as its operations since its founding in 2011. The Water Center will also draw on the financial and legal contract management infrastructure of the University, as well as the expertise of its own staff to ensure that this project is competently administered. Access to assistance from student workers will also facilitate the cost-effective completion of this project.

The Water Center is also well-positioned to make the information generated through this project broadly available to all interested parties. This project will build on and make use of the ongoing effort of the Water Center to establish and maintain a web-based Upper Colorado River Basin Resource Guide to increase access to water-related reports developed and housed by diverse entities across the Upper Colorado River Basin. Working with technology and protocols managed by CMU's library, the basic infrastructure of this guide has already been developed. Task 1 of this project will help populate this guide, and the existing infrastructure of the resource guide will make the contents of the literature database developed for this project easily accessible to all. The information synthesis and guidance documents will also be made available through the through the Resource Guide.

Proposal Effectiveness

Knowledge and stakeholder acceptance/engagement from the myriad water users are key for any IWMP to work in the Colorado Basin. The project team will measure success in achieving its objective to develop an IWMP framework by tracking the successful completion of the deliverables for each task and the degree of stakeholder participation and response to the developing and final framework guidance document, as well as the number of more localized plans that are developed as a result. Participation and response to project reports will be tracked by the applicant.

BUDGET AND TIMELINE SUMMARY TABLE

<i>task</i>	<i>target start date</i>	<i>target finish date</i>	<i>Responsible parties</i>	<i>SMP \$</i>	<i>WSRA \$ pending</i>	<i>CMU \$ in hand</i>	<i>In-Kind</i>	<i>Total</i>
Task 1 - lit review/ compilation	Mar-16	Dec-16	Water Center, Watershed Groups, Agencies	14,002	10,000	9,995	5,060	39,057
Task 2 - information synthesis	Dec-16	May-17	Contractor	45,000				45,000
Task 3 - Facilitation/ outreach - 16 mtgs	Oct-16	Nov-17	Water Center, Roundtable, Subcommittee		12,877		14,720	27,597
Task 4 - Develop Framework	Jun-17	Nov-17	Contractor		20,000			20,000
Task 5 - Project Management	Mar-16	Nov-17	Water Center, Subcommittee	8,935	527		9,476	18,938
TOTALS				67,937	43,404	9,995	29,256	150,592

ATTACHMENTS

- Basin Map
- Detailed Budget Information
- Project Team Information: Bios and Resumes

COLORADO'S WATER PLAN



NEWS & UPDATES

Defining Success for Colorado's Water Plan

The development of Colorado's Water Plan is just the first step toward successfully managing our water resources for future generations. If managed strategically, Colorado has enough water to meet our state's needs well into the future. Ultimately, Colorado's Water Plan will continue to succeed if it facilitates ongoing implementation of the projects and methods identified in the Basin Implementation Plans (BIPs) and the actions identified throughout the plan at the statewide, basin, and local level.

Although there's still more work to do, Colorado's ability to understand and confront the water supply gaps that exist at the local level is improved. The plan explores how to make water laws and regulations more agile so that we can maximize limited water supplies for the benefit of agriculture, Colorado's cities and towns, and the environment and recreation. The development of the plan was successful, as outlined in the bullets below.

- ❖ Together we created a clear path forward and actionable next steps are apparent.
- ❖ We brought together work from water interests across the state on actions needed to secure Colorado's water future.
- ❖ The public is clearly engaged and their comments are reflected in the plan.
- ❖ Agencies are collaborating. State, local, federal, and private water interests and resources are aligning to better respond to changing conditions and support the values of the water plan.
- ❖ Some BRTs (Arkansas, Gunnison, South Platte/Metro, Yampa/White/Green) are already working to implement BIPs

Finalizing the Plan is the First Step

Colorado's Water Plan reflects a significant collaborative effort to revise and enhance the previous drafts. We, the CWCB, worked with partners and stakeholder groups statewide, incorporated eight Basin Implementation Plans (BIPs), and considered nearly 30,000 public comments to put together the final version of the plan. Details regarding the changes to date are outlined below. Pursuant to Executive Order, the first final Colorado's Water Plan will be delivered to the Governor no later than December 10, 2015. After the plan is finalized it will continue to be a living document that will be updated periodically in the future as outlined in the plan.

Colorado's Water Plan sets forth measurable objectives that are grounded in the water values driving the plan and the work of the basin roundtables. These objectives will allow us to gauge our progress on in addressing Colorado's water challenges including the supply-demand gap; storage; land use; funding; education and outreach; and watersheds, environment, and recreation.

Supply-Demand Gap

The success of Colorado's Water Plan will ultimately be measured by whether or not the municipal water supply-and-demand gap is closed, and the choices we make to close it. With increased efforts on conservation, storage, land use, alternative transfer methods, and reuse, Colorado can close its gap, balance its water values, and address the effects of climate change on water resources. Colorado's Water Plan sets a measurable objective of reducing the projected 2050 municipal and industrial gap from as much as 560,000 acre-feet to zero acre-feet by 2030.

Conservation

Colorado must address projected gaps between future water needs and available water provisions from both the supply side and the demand side. Every acre-foot of conserved water used to meet new demands is an acre-foot of water that does not need to come from existing uses. Colorado's Water Plan sets a measurable objective to achieve 400,000 acre-feet of municipal and industrial water conservation by 2050.

Land Use

In order to reduce the amount of water needed for future generations of Coloradans and keep urban-adjacent agricultural lands in production, Colorado must support the growth of the next 5 million residents more strategically than the last 5 million. Colorado's Water Plan calls for a partnership among local water providers and Colorado's communities. This partnership aims to incorporate water-saving actions into local land-use planning. The CWCB will work with Department of Local Affairs, local governments, water providers, Colorado Counties, Inc., Colorado Municipal League, Special Districts Association, councils of governments, and Colorado Association of Homebuilders to examine and strengthen the tools they collectively possess to help Colorado reach this objective. Colorado's Water Plan sets a measurable objective that by 2025, 75 percent of Coloradans will live in communities that have incorporated water-saving actions into land-use planning.

COLORADO'S WATER PLAN 2015 TIMELINE

(CWP = Colorado's Water Plan)

2015

Final Public Comments were Accepted through September 17

All comments received by this date are being considered in the final Colorado's Water Plan.

Final 2015 CWP Submitted to Governor by December 10, 2015

Agriculture

Without a water plan, Colorado could lose up to 700,000 more acres of irrigated agricultural lands—that equals 20 percent of irrigated agricultural lands statewide and nearly 35 percent in Colorado’s most productive basin, the South Platte. While the right to buy or sell water rights must not be infringed upon, Colorado’s Water Plan describes market-competitive options to typical “buy-and-dry” transactions. Such alternative transfer methods can keep agriculturally dependent communities whole and continue agricultural production in most years, and if such arrangements can be made more permanent in nature, they will provide certainty to both municipal water providers and agricultural producers. Options include lease-fallowing agreements, deficit irrigation, water banking, interruptible supply agreements, rotational fallowing, water conservation programs, and water cooperatives. The State will encourage innovation and creativity by agricultural producers and research institutions to maximize the productivity of every drop of water. Colorado’s Water Plan sets an objective that agricultural economic productivity will keep pace with growing state, national, and global needs, even if some acres go out of production. To achieve this objective, the State will work closely with the agricultural community, in the same collaborative manner that has produced agricultural transfer pilot projects, to share at least 50,000 acre-feet of agricultural water using voluntary alternative transfer methods by 2030.

Storage

As the state conserves, Colorado must also develop additional storage to meet growing needs and face the changing climate. Tomorrow’s storage projects will increase the capacity of existing reservoirs, address a diverse set of needs, and involve more partners. New storage projects will be increasingly innovative, and will rely on technologies such as aquifer storage and recharge. In addition, water managers will need to be more agile in responding to changing conditions, so that storage can be more rapidly added to Colorado’s water portfolio. To do this, Colorado will address the broken permitting system. Colorado’s Water Plan sets a measurable objective of attaining 400,000 acre-feet of water storage in order to manage and share conserved water and the yield of IPPs by 2050. This objective equates to an 80 percent success rate for these planned projects.

Watershed Health, Environment, and Recreation

The environment and recreation are too critical to Colorado’s brand not to have robust objectives; a strong Colorado environment is critical to the economy and way of life. In addition, the WQCC identified a strategic water quality objective to have fully supported classified uses—which may include drinking water, agriculture, recreation, aquatic life, and wetlands—of all of Colorado’s waters by 2050. Colorado’s Water Plan sets a measurable objective to cover 80 percent of the locally prioritized lists of rivers with stream management plans, and 80 percent of critical watersheds with watershed protection plans, all by 2030.

Funding

Colorado’s Water Plan sets an objective to sustainably fund its implementation. In order to support this objective the State will investigate options to raise additional revenue in the amount of \$100 million annually (\$3 billion by 2050) starting in 2020. Such funds could establish a repayment guarantee fund and green bond program focused on funding environmental and recreational projects. In addition, such funds could further support conservation, agricultural viability, alternative transfer methods, education and outreach, and other plan implementation priorities.

Education, Outreach, and Innovation

Colorado’s Water Plan will expand outreach and education efforts that engage the public to promote well-informed community discourse and decision making regarding balanced water solutions. This work will be collaborative and include state, local, and federal partners. As one component of this overall strategy, the CWCB will work with Colorado’s innovation community, education and outreach experts, research institutions, and the Governor’s Colorado Innovation Network (COIN) to address Colorado’s water challenges with innovation and

“outside-the-box” creativity. Colorado’s Water Plan sets a measurable objective to significantly improve the level of public awareness and engagement regarding water issues statewide by 2020, as determined by water awareness surveys. Colorado’s Water Plan also sets a measurable objective to engage Coloradans statewide on at least five key water challenges (identified by CWCB) that should be addressed by 2030.

Other Changes Include:

Critical Action Plan: We narrowed down the list of actions within Chapter 10, the Critical Action Plan, focusing on high-impact actions that need to be undertaken immediately.

Storage: We added a new sub-section within Chapter 6 on storage, which recognizes that Colorado must develop additional storage to meet growing needs and face the changing climate. Tomorrow’s storage projects will increase capacity in existing reservoirs, address a diverse set of needs, and involve more partners.

Impacts of Agricultural Dry-Up: We added a discussion within Chapter 6 regarding the impacts of lost irrigated agriculture, which describes potential impacts to rural communities and indicates that without a water plan, Colorado could lose up to 700,000 more acres of irrigated agricultural lands – that’s 20% statewide and nearly 35% in Colorado’s most productive basin, the South Platte.

Conceptual Framework: The IBCC and CWCB recently adopted the Conceptual Framework, which is supported by the basin roundtables and county commissioners. Based on this historic collaborative effort, we now acknowledge the Conceptual Framework as Colorado’s Conceptual Framework within Chapter 8.

Project Funding: Within Chapter 9, we describe how Colorado could use additional funds to maximize the smallest amount of funds needed to implement the plan. In addition, we describe the need to dedicate \$50 million in 2016 to initiate the guarantee repayment fund, green bond program, and other priority activities.

State Support of Projects: Within Chapter 9, we included new clarification on the state’s role in the permitting process, support of projects, and communication with federal partners.

Outreach and Education: Within Chapter 9, we moved the section summarizing the outreach and public engagement activities completed during development of the plan and a summary of the public comments received during development of the plan into the appendices.

Questions ?

Contact us at cwaterplan@state.co.us and visit us online at www.coloradowaterplan.com. Find Colorado’s Water Plan on Facebook and follow us on Twitter — [@COWaterPlan](https://twitter.com/COWaterPlan)

COLORADO’S WATER PLAN

COLLABORATING ON COLORADO’S WATER FUTURE



COLORADO
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water fluency

A professional development course to help you understand water and lead with confidence



SPEAK FLUENT WATER

Care about Colorado’s future? Then you should know about water. This unique educational experience will increase your water fluency so you can better analyze water’s influence on the issues you deal with everyday and evaluate creative solutions.

This course offers immersion in the language and concepts of water as well as tools for navigating the culture, complexity and future of water management and policy issues. You will leave equipped with relevant knowledge and a new network of peers to create lasting, positive change in your community.

Registration, dates and locations for the 2016 course will be announced in November of 2015. In the meantime, learn more and sign up to be notified when registration opens at www.yourwatercolorado.org/waterfluency

The Water Fluency program delivers high-quality, interactive adult education. Participants learn through:

Online material, site visits—guided tours of water infrastructure and project sites, and group discussions—four half-day in-person lectures and facilitated dialogue to gain in-depth understanding of program topics. Course curriculum builds off the statewide water dialogue with application to local issues in public policy and planning.

PROGRAM PARTNERS



COLORADO
Colorado Water Conservation Board
Department of Natural Resources



Special District Association of Colorado
Supporting Community-Based Government



THE COLORADO FOUNDATION FOR WATER EDUCATION

www.yourwatercolorado.org/waterfluency or call 303-377-4433



WATER QUALITY / QUANTITY COMMITTEE (QQ)

P.O. Box 2308 • Silverthorne, Colorado 80498
970-468-0295 • Fax 970-468-1208 • email: qqwater@nwccog.org

CONTRACT

Northwest Colorado Council of Governments Water Quality/Quantity Program
and
Barbara Green for Sullivan Green Seavy, Lane Wyatt & Torie Jarvis
Year of 2016

This Contract is entered into this _____, by and between the Northwest Colorado Council of Governments QQ Program (hereinafter "QQ") and Barbara Green for Sullivan Green Seavy ("SGS"), Lane Wyatt, and Torie Jarvis (hereinafter "SGS, Wyatt & Jarvis").

NOW, THEREFORE, the parties mutually agree as follows:

1. Employment of SGS, Wyatt & Jarvis. QQ hereby agrees to engage SGS, Wyatt & Jarvis and SGS, Wyatt & Jarvis hereby agrees to perform the services hereinafter set forth.
2. Scope of Services. In consideration for moneys to be received from QQ, SGS, Wyatt & Jarvis shall do, perform, and carry out in a satisfactory manner, as determined by QQ, all work elements indicated in the "Scope of Services" set forth in attached Exhibit A incorporated hereinafter by reference. The Scope of Services is contingent upon receipt of the sum listed in Appendix A.
3. Time of Performance. The services of SGS, Wyatt & Jarvis shall commence January 1, 2016 and shall be undertaken in such a sequence as to assure completion of this Contract by December 31, 2016. After December 31, 2016, the contract may be extended by mutual agreement by both parties on a month to month basis.
4. Method of Payment. SGS, Wyatt & Jarvis shall submit a monthly invoice to QQ describing the activities associated with the various work elements described in Exhibit A. Upon receipt of invoice QQ shall compensate SGS, Wyatt & Jarvis for work performed.
5. Compensation. SGS, Wyatt & Jarvis shall be compensated monthly based on the proportion of the total contract amount for that billing period.

The total amount of compensation paid by QQ to SGS, Wyatt & Jarvis shall not exceed the maximum dollar amount established in the "Scope of Services" set forth in the attached Exhibit A unless QQ and SGS, Wyatt & Jarvis require additional services not herein defined.

6. Amendment. QQ may, from time to time, require changes in the "Scope of Services" to be performed by SGS, Wyatt & Jarvis. Such changes shall be incorporated into a Letter of Agreement between SGS, Wyatt & Jarvis and QQ Chair and Vice-Chair, which shall serve as an amendment to this contract with SGS, Wyatt & Jarvis and QQ.

7. Assign-ability. SGS, Wyatt & Jarvis shall not assign any interest in this Contract and shall not transfer any interest in the same without prior consent of QQ.
8. Termination of Contract by QQ for Cause. If SGS, Wyatt & Jarvis shall fail to fulfill in a timely and proper manner its obligation under this Contract, or if SGS, Wyatt & Jarvis violates any of the terms or conditions of this Contract, QQ shall have the right to terminate this Contract by giving written notice to SGS, Wyatt & Jarvis at least forty five (45) days before the effective date of such termination. In the event of termination, all finished or unfinished documents, data, studies, or other material prepared by SGS, Wyatt & Jarvis shall, at the request of QQ, be transmitted to QQ.
9. Termination of Contract by SGS, Wyatt & Jarvis. If QQ fails to make payment as herein provided, SGS, Wyatt & Jarvis may terminate this Contract by giving written notice to QQ at least ten (10) days before the effective date of such termination, during which time QQ may cure the default by making payment. In the event QQ fails to cure, SGS, Wyatt & Jarvis shall retain all materials and documents not previously given to QQ until an agreement is satisfactorily negotiated between QQ and SGS, Wyatt & Jarvis. If SGS, Wyatt & Jarvis propose to terminate this contract for reasons other than failure to make payment they shall give at least forty-five (45) days notice.
10. Agreement Contains All Understandings. This document represents the entire integrated agreement between QQ and SGS, Wyatt & Jarvis and supersedes all prior negotiations, representations, or agreements either written or oral.

IN WITNESS WHEREOF, QQ and SGS, Wyatt & Jarvis have executed this agreement on the date written above.

Chairperson Date
 NORTHWEST COLORADO COUNCIL OF GOVERNMENTS QQ COMMITTEE

Barbara Green Date

Lane Wyatt Date

Torie Jarvis Date

NWCCOG/WATER QUALITY AND QUANTITY COMMITTEE

SCOPE OF SERVICES 2016

I. INITIATIVES AND PROJECTS FOR THE YEAR 2016

A. COALITIONS AND EDUCATION (Implements Policies I, II, V)

- (1) Facilitate “fact-based” discussions of headwater impacts associated with Front Range growth.
- (2) Continue to inform Front Range policymakers and legislators about headwaters issues and transmountain diversion impacts in appropriate forums.
- (3) Collaborate with other East Slope and West Slope organizations to strengthen public awareness and educate Front Range citizens about headwater issues and transmountain diversion impacts on the West Slope.
- (4) Track and educate members on emerging water-related recreation issues.
- (5) Develop relationship with state-wide media to promote education on QQ issues. Send letters to the editors of the local and state newspapers on water issues to refute mis-information.
- (6) Organize and present information, such as the Economic Impact Study at meetings, workshops and other venues to advocate headwater perspectives throughout the State.
- (7) Serve on appropriate State and local task forces or committees to promote QQ’s interests.
- (8) Track and coordinate efforts with other groups and organizations to ensure awareness of diverse West Slope water concerns.
- (9) Increase efforts to inform certain stakeholders of unintended adverse impacts to local authority; and attempt to convey a more thorough understanding of current law.

B. BASIN ROUNDTABLES AND 1177 PROCESS (Implements Policies I, III, V)

- (1) Track the outcome of any potential legislation as a result of this process that may be counter to Headwater interests.

- (2) Participate in the Colorado Basin Roundtable and prepare reports to members as needed when important issues arise.
 - (3) Evaluate opportunities to identify and promote headwater interests through this initiative.
 - (4) Track IBCC process and alert members of issues that arise. Prepare draft letters and comments as needed.
 - (5) Participate in the formation and updating of the Colorado Water Plan; advocate for Headwaters interests; provide support and analysis to efforts of elected officials and member jurisdictions to influence water plan policy.
- C. EVALUATE AND MONITOR TRANSMOUNTAIN DIVERSION PROPOSALS (Implements Policies I, II and III).
- (1) Participate in environmental assessment processes.
 - (2) Retain and supervise necessary technical consultants.
 - (3) Work with member jurisdictions to cooperate on review and mitigation of impacts that go beyond the boundaries of the permitting County through intergovernmental agreements.
 - (4) Assist the member counties and municipalities with 1041 permitting as requested.
 - (5) Follow activities of Front Range Water Council.
- D. STREAM MANAGEMENT AND NON-CONSUMPTIVE NEEDS (Implements Policies II, III, IV, V)
- (1) Continue to work with QQ members and Front Range diverters to implement solutions to identified in-stream impacts of transmountain diversions.
 - (2) Provide technical assistance to Colorado River Cooperative Agreement implementation projects. Staff the Learning By Doing process.
 - (3) Provided the opportunity, explore and promote UPCO concept with other basins, including the “Stream Management Plan” approach.
 - (4) Assist member jurisdictions in efforts to support Colorado Water Conservation Board (“CWCB”) Instream Flow Program and ensure state representatives understand the value of the program.

- (5) Assist member jurisdictions in the creation and protection of recreational in-channel diversions. Track Recreational In-channel Diversions filings and CWCB hearings in QQ region.
- (6) Assist members to determine nonconsumptive stream flow needed to protect recreation and environmental values during Colorado River Roundtable process.
- (7) Represent member interests in Wild and Scenic Rivers processes.

E. LOBBYING IN COLORADO LEGISLATIVE SESSION (Implements Policies I, II, V)

- (1) Provide policy analysis on legislative bills as they affect members' authority.
- (2) Participate in development of any state water planning legislation.
- (3) Lobby on water-related bills that QQ has taken a position on, or based on QQ's mission and policies.
- (4) Draft testimony, or assist in preparing testimony for QQ elected officials, as needed.
- (5) Communicate and collaborate with other entities where interests overlap.
- (6) Provide reports and action alerts to members on legislation, outlining pros, cons and QQ's position.
- (7) Prepare alternatives to legislation that is counter to QQ's interests as directed by the QQ Committee.
- (8) Evaluate and encourage legislation that furthers QQ interests. Possibilities include reuse, instream flows, metropolitan efficiency, special district legislation, or favorable changes in water law to promote conservation.
- (9) Participate in the Colorado Water Congress and other organizations that may create and or influence legislation pertinent to QQ's issues.

F. WATER QUALITY PROTECTION (Implements Policies II, III, IV, V)

- (1) File motions for party status on behalf of member jurisdictions and Participate in State Water Quality Control Commission ("WQCC") rulemakings, hearings and meetings that affect Headwaters.

- (2) Participate in stakeholder meetings, Water Quality Control Division (“WCQD”) workgroups, and any rulemaking hearings.
- (3) Monitor WQCC and WQCD activities.
- (4) Continue to participate in the Snake River Task Force to identify remediation alternatives and seek funding for projects. Work closely with the State and others to develop appropriate water quality standards for the Snake River in the next five to ten years.
- (5) Finalize 208 Plan approval by the WQCC. Coordinate with NWCCOG to maintain 208 administrative responsibilities as determined by membership.
- (6) For a fee that will be passed on to developers, provide 208 Plan consistency review of land development proposals and water and sanitation facility siting on behalf of member jurisdictions during the development application process.
- (7) Coordinate with Water and Sanitation Districts on issues of interest.
- (8) Represent members in discussions and hearings related to nutrient standards and other rulemakings and assist members in the site specific standards hearing.
- (9) Provide technical staff to Grand Lake Clarity processes.

G. LOCAL, STATE AND FEDERAL REGULATIONS (Implements Policy I, III)

- (1) For reduced hourly rate, provide legal and technical assistance to member’s staff in revisions of their 1041 Regulations or other land use regulations. (Since the revision processes are specific to a particular member, the individual revisions will not fall within services covered by dues. Barbara, Torie and Lane will coordinate to minimize costs to members.)
- (2) Neutralize objections raised by the Front Range and through the IBCC process about the 1041 process.
- (3) Work with members in the QQ region on refinements to land use regulations, policies and technical approaches to protect water quality. Educate planning departments about the model water quality regulations prepared by QQ and update as necessary.
- (4) Spearhead efforts to maintain County authority over oil and gas operations, including on federal lands, so that water quality and quantity are protected. Work with Department of Natural Resources to introduce County in-put into federal mitigation decision on leases.

- (5) Participate in other state rulemaking proceedings as needed to protect local authority over environmental and water quality impacts of oil and gas, mining and water projects.
- (6) Assist members as needed with federal legislation that approves the study of, or development of, projects leading to further potential transmountain diversions.

H. EVALUATE GROWTH IMPACTS TO WATER RESOURCES FOR MEMBERS (Implements Policies II, IV, V)

- (1) Inform public entities and private sector of regional water quality and quantity impacts of their proposals and identify mitigation measures.
- (2) Continue to assist ski areas through the NEPA processes, 404 permits and 401 certifications in an effort to analyze in-basin impacts.
- (3) Assist QQ members with the development and implementation of water conservation measures outlined in the Colorado Water Conservation Board Water Conservation Planning Guidelines.

II. LEGAL SERVICES

- A. Assist members to update 1041 or other land use regulations applicable to water matters at reduced hourly rate. Prepare model regulations for the region.
- B. Represent members in rulemaking hearings in front of Colorado Water Quality Control Commission and other state agencies. (When rulemaking hearings are complex and exceed legal time allotted to QQ, fees for this service may be charged to the Legal Defense Fund after approval by QQ Board.)
- C. Prepare briefs on behalf of members or the organization relating to legal matters of regional importance.
- D. Stay abreast of evolving judicial and legislative decisions that affect member authority and responsibilities in land use, water quality and water quantity issues. Prepare reports to members of these developments.

III. QQ PROGRAM ADMINISTRATION

- A. Organize and prepare for QQ meetings.
- B. Oversee QQ's program finances and report to QQ Committee.

- C. Meet with NWCCOG Executive Director as necessary to keep her apprised of issues that affect the NWCCOG organization.

IV. MEMBER SERVICES

- A. Represent QQ Committee at meetings, rulemaking hearings, and state water policy forums.
- B. Be available to QQ members to answer questions and provide technical, legislative and legal expertise on matters regarding water quality or quantity.
- C. Meet with members on individual basis to update elected officials on QQ's activities. Present QQ Program overview to newly-elected officials.
- E. Design QQ meetings as a forum for exchange of ideas and establishment of policy.
- F. Place QQ Committee members on key committees, commissions and boards relative to water quality and quantity issues. Participate on Boards and Commissions.
- G. Provide reports and white papers on regulations, Clean Water Act, water quality and quantity issues.
- H. Encourage and support intergovernmental, inter-jurisdictional cooperation in water matters. Assist members to implement intergovernmental agreements.

COST: FLAT RATE FEE OF **\$164,500.00**. As indicated in the scope of work, and as approved by the QQ Board, the Legal Defense Fund may be used to fund complex rule making hearings, amicus briefs, or other legal and technical defense costs that go beyond this scope of services.

Water Quality/Quantity Budget

<u>ACCOUNT NAME</u>	<u>2013 Actual</u>	<u>Revised 2014 Budget</u>	<u>2015 Budget</u>	<u>2016 Budget</u>
REVENUES				
County Pledges	\$ 95,500.00	\$ 95,500.00	\$ 95,500.00	\$ 95,500.00
Municipal Pledges	\$ 42,000.00	\$ 42,150.00	\$ 42,000.00	\$ 40,400.00
Assoc. Member Pledges	\$ 3,800.00	\$ 4,000.00	\$ 3,800.00	\$ 3,800.00
Water & Sanitation Pledges	\$ 11,600.00	\$ 11,600.00	\$ 11,100.00	\$ 11,100.00
Interest Income	\$ 29.00		\$ -	\$ -
Reimbursed Expenses	\$ 1,205.00	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00
L&C Fellowship	\$ 15,000.00		\$ -	\$ -
CWCB Grant Leftover		\$ 8,410.00		
Unreserved Carryover			\$ 11,583.00	\$ 12,500.00
TOTAL REVENUES	\$ 169,134.00	\$ 163,660.00	\$ 165,983.00	\$ 164,500.00
EXPENSES				
<i>Contract Services</i>				
Wyatt, Green & Jarvis	\$ 169,134.00	\$ 163,660.00	\$ 165,983.00	\$ 164,500.00
TOTAL EXPENSES	\$ 169,134.00	\$ 163,660.00	\$ 165,983.00	\$ 164,500.00
Defense Fund Balance	\$ 98,346.93	\$ 98,346.93	\$ 98,346.93	\$ 100,000.00

BYLAWS
OF
THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS
WATER QUALITY/QUANTITY COMMITTEE

Date: June 29, 2011

The purpose of these bylaws is to formalize the internal affairs of Northwest Colorado Council of Governments Water Quality/Quantity Committee and provide definition and consistency to its structure and operation.

ORGANIZATION

The Northwest Colorado Council of Governments Water Quality/Quantity Committee (“QQ”) is a group of local governments in the headwaters of the Colorado River Basin dedicated to protecting the region’s water quality and quantity. The group funds and oversees litigation and advocacy support, monitoring of legislative activities, policy formulation and analysis, and provides technical assistance to members. QQ directs a team of consultants to carry out these activities. The consultants are guided by policies adopted by QQ members. QQ also maintains and oversees a legal defense fund.

QQ was first established by a subset of Northwest Colorado Council of Governments (“NWCCOG”) members in 1978 as a way to coordinate and fund legal and technical activities among headwater local governments related to transmountain diversions. Since that time, its membership has expanded to include counties and municipalities outside the NWCCOG region, as well as water and wastewater providers. QQ is governed by its members, these bylaws and its policies.

MEMBERSHIP

QQ members may include counties, municipalities, and special districts within the headwaters of the Colorado River Basin, and any other entities as approved by the membership. The QQ members may also allow non-voting associate members to join.

FINANCIAL ADMINISTRATION

QQ funds and expenditures shall be administered by the membership in accordance with an annual budget. Revenues shall consist of annually-levied dues from members, grants, and other sources identified and approved by QQ. QQ funds shall be maintained in any type of account as determined by the members.

MEETINGS

QQ shall meet quarterly or as needed. Notice of the date time and place of any meeting shall be given to all members at least one week before the meeting is convened. All meetings shall be open to the public. The members may vote to go into executive session to receive legal advice and for other matters allowed by law. Meetings may be attended by the elected officials and staff of QQ members.

OFFICERS

The membership shall elect a Chair and Vice Chair to oversee meetings and serve as day to day contact for consultants as necessary.

DECISION MAKING

QQ encourages decision making by consensus. If a vote is deemed appropriate, a majority vote is required to pass any measure. No vote shall be taken unless a quorum is present. A quorum shall consist of seven members.

AMENDING THE BYLAWS

A two-thirds vote of those members present at meeting is required to amend the bylaws.

LEGAL DEFENSE FUND

QQ shall maintain a legal defense fund. The purpose of the legal fund is to fund unanticipated professional services such as legal counsel, engineering consultation, or other experts to conduct work that goes beyond the annually-approved scope of services and budget. Challenges to land use authority, transmountain diversion proposals, state rulemaking proceedings, and other unanticipated legal actions may create the need for these increased professional services.

Expenditures from the legal defense fund shall be approved by the QQ members.

POLICIES

QQ may adopt various policy statements on matters of concern to guide the consultants' work and to provide a unified focus for its members. The existing policy statements are attached and incorporated as Exhibit A. QQ will periodically review its policies and make changes as needed.

Exhibit A

QQ POLICIES

- I. **PROTECT AND IMPLEMENT LOCAL GOVERNMENT AUTHORITY TO PROTECT WATER RESOURCES**
 - A. Defend against attacks on 1041 and other local government regulatory authority.
 - B. Strengthen and implement water quality provisions of municipal and county land use codes.
 - C. Support legislation or policies designed to minimize impacts of transmountain diversions.
- II. **BUILDING COALITIONS AND EDUCATION**
 - A. Advocate the headwater communities' water quality and quantity interests throughout the State. Identify and work with other groups statewide that share QQ's concerns. Develop educational tools for varied audiences.
 - B. Coordinate with elected officials, private sector and other decision-makers on water quality issues. Develop working relationships with governmental entities, the private sector and others where appropriate.
 - C. Foster cooperative regional management of water resources. Minimize redundant systems.
 - D. Seek support of other local governments and organizations in efforts to protect headwaters interests.
- III. **TRANSMOUNTAIN DIVERSION OVERSIGHT**
 - A. Transmountain diversion projects will not be supported by QQ unless all socioeconomic and environmental impacts are mitigated to the satisfaction of the affected governmental units.
 - B. Existing water projects should be operated to minimize local impacts where possible.
 - C. Transmountain diversion water should be re-used to extinction to the extent allowed by law.
 - D. Cooperate to determine water quality and quantity impacts caused by new or expanded transmountain diversion; identify measures and conditions that would help mitigate those impacts; and assist the local government with 1041 permitting of water projects.

- E. Implement intergovernmental agreements among member jurisdictions to extend regulatory oversight beyond individual jurisdictional boundaries so that the impacts of water diversion projects can be fully addressed.
- F. Educate Front Range elected officials on transmountain diversion impacts in the headwaters communities.

IV. WATER QUALITY

- A. Water development activities should not have an adverse effect on the quality of water resources.
- B. Local wastewater facilities should be protected from increased operational costs caused by hydrologic modifications and transmountain diversions.
- C. Regional water quality interests should be protected during rulemaking hearings before the Water Quality Control Commission and the Colorado Water Conservation Board that affect the upper Colorado River Basin.
- D. Defend and update the regional Water Quality Management Plan (208 Plan).
- E. Coordinate local governments' efforts to adopt Water Quality Protection Standards and other measures to protect local water quality.

V. STATEWIDE WATER POLICY

- A. West Slope consumptive and non-consumptive needs should be integral to state-wide water policy.
- B. Oppose water policies that protect east slope interests at the expense of headwater water quality and quantity.
- C. Water conservation and efficiency measures in Colorado should be increased.
- D. Instream flow programs should be protected.
- E. Programs that allow agricultural users to transfer water to municipal uses on a temporary basis should be implemented.