



WATER QUALITY / QUANTITY COMMITTEE (QQ)

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

QQ Quarterly Board Meeting

Thursday, June 26, 2014
Summit County Community & Senior Center
Frisco, CO 80443

Agenda

- 10:00 Welcome and Introductions
- 10:05 Presentation: Wild and Scenic Designation for Crystal River
Dorothea Farris, Crystal River stakeholder
- 10:40 Legislative Updates- *Torie & Barbara*
- 11:00 Panel and discussion: EPA/ Army Corps Rulemaking on Waters of the U.S.
Deb Freeman, Trout, Raley, Montano, Witwer & Freeman, P.C.
David Nickum, Executive Director, Colorado Trout Unlimited
- 12:15 Lunch
- 1:00 Member Updates
- 1:15 Presentation: Watershed Wildfire Protection Group
Rich Edwards, Colorado State Forest Service and Brad Piehl, JW Associates
- 2:00 Water Quality Control Commission Rulemaking- *Lane*
- 2:15 Colorado Water Plan and Land Use Water Conservation Workshop
Updates and Discussion of Next Steps
- 3:00 Adjourn

Bill No.	Sponsor	Description	Status	QQ Position	Notes
HOUSE BILLS					
HB 14-1005	Sonnenberg/Lundberg	Relocate Headgate Without Change Case	Signed by Governor		
HB 14-1008	Hamner/ Schwartz	Allow CWRPDA Private Entity Forest Health Loans	Signed by Governor	Monitor	
HB 14-1026	Fischer/ Schwartz	Flexible Water Markets	Postponed Indefinitely	Support	
HB 14-1028	Sonnenberg/ Roberts	Limiting the US' ability to impose conditions on a water right owner	Postponed Indefinitely	Monitor	
HB 14-1030	Mitsch Busch/ Coram Schwartz/ Roberts	Hydroelectric Generation Incentives	Signed by Governor	Monitor	Interim Water Resource Review Committee Bill
HB 14-1052	Fischer/ Jones	Groundwater Management District Enforcement Authority	Signed by Governor	Monitor	
HB 14-1333	Fischer & Coram Schwartz & Harvey	CO Water Conservation Board Projects Bill	Signed by Governor	Recommended: Support	
SENATE BILLS					
SB 14-017	Roberts/ Hodge Vigil/Coram	"Turf Bill." Limiting approval of developments that use Ag water for lawn irrigation	Signed by Governor	Support as Amended	
SB 14-023	Schwartz / Becker	Transfer of water efficiency savings to CWCB ISF	Vetoed	SUPPORT (except one member who would like to see more uses for ag efficiency savings than just in stream flow.)	
SB 14-025	Hodge/ Fischer	Clarifying language for grant for small domestic wastewater treatment works	Signed by Governor	Support	Interim Water Resource Review Committee Bill
SB 14-026	Hodge/ Vigil	Div Water Resources Remove Printing Requirements	Signed by Governor	Monitor	Interim Water Resource Review Committee Bill
SB 14-103	Guzman/ Fischer	Phase In High-efficiency Water Fixture Options	Signed by Governor	Support	
SB 14-105	Lambert / Duran & Gerou	Stop Water Cash Fund Transfers To General Fund	Signed by Governor	Support	
SB 14-115	Roberts & Schwartz/ Fischer & Coram	State Water Plan Public Review & GA Approval	Signed by Governor	Support	



**Colorado
Legislative
Council
Staff**

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MEMORANDUM

May 21, 2014

TO: Members of the Water Resources Review Committee

FROM: David Beaujon, Senior Research Analyst, 303-866-4781
Brooke Maddaford, Research Analyst, 303-866-4753

SUBJECT: Overview of the Water Resources Review Committee

Summary

This memorandum identifies the Water Resources Review Committee's membership and discusses its charge, bill limits, and bill deadlines. It also summarizes the committee's activities since 2001, including meetings, tours, and legislative recommendations. Final reports, memoranda, and other information from previous years are available on the General Assembly's website at: www.colorado.gov/lcs.

2014 Water Resources Review Committee

Representative Randy Fischer, Chair	Senator Gail Schwartz, Vice-chair
Representative Don Coram	Senator Greg Brophy
Representative Diane Mitsch Bush	Senator Mary Hodge
Representative Jerry Sonnenberg	Senator Matt Jones
Representative Ed Vigil	Senator Ellen Roberts

Membership requirements. The Water Resources Review Committee is a ten-member committee with terms extending from January 1 of an odd-numbered year to December 31 of the following even-numbered year (two years).¹ During even-numbered years, the Speaker appoints the chair and the President appoints the vice-chair. Members are appointed according to the following criteria:

- five Senate members, three appointed by the Senate President and two appointed by the Senate Minority Leader;

¹ Section 37-98-102 (2), C.R.S.
QQ Board Meeting 6/26/14 Page 5

- five House members appointed by the House Speaker in consultation with the House Minority Leader;
- at least four members must reside west of the Continental Divide or their district must have a majority of its population residing west of the Continental Divide; and
- members should represent each of the seven water divisions.

Committee charge. The committee is authorized to review water issues and propose legislation related to the conservation, use, development, and financing of Colorado's water resources. In conducting its review, the committee is required to consult with experts in the field of water conservation, quality, use, finance, and development.

Senate Bill 14-115 and statewide hearings on the Colorado Water Plan. Pursuant to Senate Bill 14-115, the Water Resources Review Committee is required to review statewide planning for water resources. By August 1, 2014, the Colorado Water Conservation Board (CWCB) is required to submit to the committee the scope, fundamental approach, and basic elements of a draft state water plan, after which the committee will hold at least one public hearing in each geographic region associated with basin roundtables (basin) to collect feedback from the public. The committee must provide a summary of the public's feedback as well as its own feedback to the CWCB by November 1, 2014. By July 1, 2015, the CWCB is required to submit a draft state water plan to the committee, after which the committee must hold at least one public hearing in each basin to collect feedback from the public. The committee must provide a summary of the public's feedback as well as its own feedback to the CWCB by November 1, 2015. The committee may repeat this process whenever the CWCB submits a significant amendment to the state water plan. By November 1 of each year following the submission to the committee of a state water plan or plan amendment, any member of the General Assembly may request that the committee hold one or more hearings to review the plan or plan amendment. After holding a public hearing, the committee may recommend the introduction of a bill or bills based on the results of the review. Any bill recommended by the WRRC or hearing held regarding the state water plan does not count against the committee bill or meeting limit.

Field trips and meetings. The committee is authorized to meet up to six times during even-numbered years and to take up to two field trips.² Table 1 identifies the six meetings and two tours that have been selected by the Chair of the Water Resources Review Committee. It also identifies meetings to hear public testimony on the State Water Plan, pursuant to Senate Bill 14-115. Additional information about the SB 14-115 hearings is provided in the following section. Agendas for committee meetings will be posted on the committee's website at: www.colorado.gov/lcs/WRRC.

² Section 37-98-102 (1)(a), C.R.S.

**Table 1
Water Resources Review Committee Meeting and Tour Schedule**

Date	Location	Time ³
2014 Committee Meetings		
Wednesday, August 6	State Capitol Building - HCR 0112	9 a.m. to 5:00 p.m.
Thursday, August 7	State Capitol Building - HCR 0112	9 a.m. to 5:00 p.m.
Wednesday, August 20	Westin Snowmass Resort, Snowmass, CO	10:00 a.m. - 12:00 p.m.
Thursday, September 4	State Capitol Building - HCR 0112	9 a.m. to 5:00 p.m.
Friday, September 5 - <i>Last day to request draft legislation</i>	State Capitol Building - HCR 0112	9 a.m. to 5:00 p.m.
Tuesday, September 30 - <i>Last day to approve legislative recommendations</i>	State Capitol Building - HCR 0112	9 a.m. to 5:00 p.m.
Senate Bill 14-115 Hearings Concerning Colorado Water Plan		
Gunnison River Basin hearing - Wednesday, June 18	Western State College, Gunnison, CO	10:00 a.m. - 12:00 PM
Colorado River Basin hearing - Thursday, August 21	Glenwood Springs, CO - Location to be determined,	5:00 p.m. to 7:00 p.m.
Denver Metropolitan Area hearing - Wednesday, October 1	Denver CO - Metropolitan State University of Denver Decision Theater	10:00 a.m. to 11:00 a.m.
Dolores-San Miguel-San Juan River Basin - date to be determined	Durango, CO - Location to be determined	5:00 p.m. to 7:00 p.m.
Rio Grande Basin hearing - date to be determined	Alamosa, CO - Location to be determined	10:00 a.m. to 12:00 p.m.
Arkansas River Basin hearing - date to be determined	Pueblo, CO - Location to be determined	5:00 p.m. to 7:00 p.m.
Yampa-White River Basin - date to be determined	Steamboat Springs, CO - Location to be determined	5:00 p.m. to 7:00 p.m.
North Platte River Basin hearing - date to be determined	Walden, CO - Location to be determined	10:00 a.m. to 12:00 p.m.
South Platte River Basin hearing - date to be determined	Fort Collins, CO - Location to be determined	5:00 p.m. to 7:00 p.m.

LOCATION:
Glenwood
Springs Branch
Library, 815
Cooper Ave,
Glenwood

WATER RESOURCE REVIEW COMMITTEE TOPICS: (added by Torie)

August 6th - SB 017 hearing on outdoor water conservation

August 7th - FLEX Markets and other ATMs

Sept. 4th- Groundwater Management

³ Times may change depending on the committee's workload. Latest agendas will be available at: www.colorado.gov/lcs/WRRC.

STATE OF COLORADO

OFFICE OF THE GOVERNOR

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John W. Hickenlooper
Governor

June 5, 2014

The Honorable Colorado Senate
Sixty-ninth General Assembly
State Capitol Building
Denver, Colorado 80203

Dear Colleagues:

After careful consideration, today at 10:41 am I vetoed Senate Bill 14-023, "Concerning an authorization of the voluntary transfer of water efficiency savings to the Colorado Water Conservation Board for instream use purposes in water divisions that include lands west of the continental divide." This letter sets forth my reasons for vetoing the legislation. The bill and this letter are being filed today with the Secretary of State in accordance with Article IV, Section 11 of the Colorado Constitution.

This decision was not easy; it was a close call. That is because the bill's goals are important for our water future and we appreciate and honor the thousands of hours that went into crafting this legislation. Despite these efforts, there was a breakdown in consensus toward the end of the legislative session that divided the water community and, in our view, would make implementation of the policy more difficult.

So this veto is not intended to stop this legislation from ever becoming law; it is, rather, intended to build on the collaborative process that led to its passage in the General Assembly this year, in order to return next year with legislation that has broader support by water users in our state. This bill already has a good cross section of support from various interests, including sportsmen, conservationists, and some in the agricultural community. Unfortunately, and despite the best efforts of the bill's sponsors, important questions remain about how best to expand the state's instream flow program without creating injury or cost to downstream users, principally in agriculture.

Given the General Assembly's painstaking efforts to build consensus around Colorado's Water Plan, we are concerned that this legislation may have the unintended consequence of polarizing stakeholders where we are trying to foster collaboration and consensus. This is unfortunate, because the goals of the bill and the motives of the bill's sponsors are laudable. We ought to do all that we can to encourage conservation of water resources and keep more water in our streams and rivers for water quality purposes, but this has to be done in ways that respect our long tradition of prior appropriation and prevent injury to downstream users. This is why we are

supportive of a targeted pilot program that would meet those goals. In addition, it will help preserve broad stakeholder consensus across basins on how to carefully introduce changes to our water law.

There can be no doubt that greater efficiency is critical to Colorado's water future and we support SB 14-023's intention and overarching approach to encourage efficient practice. Encouraging efficient practices can be accomplished without the perception of, or actual result in, (1) injury to other water users, (2) infringing upon fundamental tenants of Colorado water law, or (3) additional unnecessary expense in the water court process. While the bill's specific language may provide protections against these results, water users have expressed concerns that the bill may instead present these unintended outcomes.

We believe that more good work by people of good faith and commitment to shared goals can get Colorado a better result. The concepts contained in this legislation will be more successful if there is broad support among all those affected.

While SB 14-023 fell short of addressing concerns raised by critical agricultural and water conservation interests, we specifically applaud Representative Becker and Senator Schwartz's efforts to move this critical discussion forward. Legislation implicating Colorado water rights deserves thorough scrutiny and input from all impacted parties. In this instance, where the bill only addressed water law on the Western Slope, the Colorado River Water Conservation District cautioned that this bill would result in unintended consequences. Specifically, some agricultural interests believe that SB 14-023 will cause injury to intervening water rights holders in the effected reach of the stream and add to the burden of water court costs for farmers and ranchers. All stakeholders and partners must be actively engaged in a robust and thorough process to ensure good water outcomes and good water law.

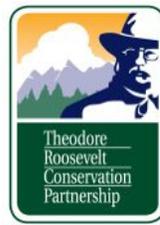
We have directed the Colorado Department of Natural Resources and the Colorado Water Conservation Board to work with legislators on a pilot concept in preparation for the next legislative session that addresses concerns raised by opponents of this legislation.

Making the topic of this legislation an administration priority next year would give us an opportunity to re-engage stakeholders who have concerns about SB 14-023, and build a broader base of support for passage next year. If I am re-elected by Colorado's voters to a second term, my administration will be committed to pursuing bipartisan resolution of this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Hickenlooper", is written over a horizontal line. The signature is fluid and cursive.

Governor John Hickenlooper



The Clean Water Rule: Protecting America's Waters

The U.S. Army Corps of Engineers and the Environmental Protection Agency have proposed a landmark rule clarifying longstanding Clean Water Act protections for many — but not all — streams, wetlands, and other waters critical to sportsmen and our hunting and fishing heritage. Many of these waters have been at increased risk of pollution and destruction for more than a decade — and it has taken its toll. For the first time since the 1980s, annual wetland losses are on the increase: the rate of wetland loss in 2004-2009 increased by 140 percent over 1998-2004.

This rule, which voices on all sides of the debate and the Supreme Court have called for, relies on the best scientific understanding of stream and wetland science to clarify the scope of the Clean Water Act, reinforce the Act's legal and scientific foundation, provide greater long-term regulatory certainty for landowners and enhance protection for America's streams, wetlands, and other waters.

What It Does

The Rule Restores Clean Water Act Protections to Most Streams and Wetlands.

The proposed rule ensures that the Clean Water Act once again safeguards many streams, lakes, and wetlands that have been at increased risk of pollution and destruction following Supreme Court decisions in 2001 and 2006. Extensive peer-reviewed scientific evidence shows that the waters covered by this rule have a significant impact on the quality of downstream waters and, therefore, deserve Clean Water Act protection. In addition to providing valuable fish and wildlife habitat, these waters are an effective buffer against floods, and filter pollutants out of water that otherwise would have to be treated at great expense to cities and towns.



The rule definitively restores Clean Water Act protection to two major categories of waters:

1. **Tributaries to waters already covered by the Clean Water Act** – For example, intermittent headwater streams that have a defined bed and bank and flow to a water already covered by the CWA; and
2. **Wetlands, lakes, and other waters located adjacent to or within the floodplain of these tributaries.**

The Rule Gives Greater Certainty to Regulators and the Regulated Community.

Since the first Supreme Court decision confused Clean Water Act jurisdiction in 2001, farmers, land owners and businesses have been unsure whether to seek Clean Water Act permits for their activities that affect water; sportsmen have been stymied in their efforts to protect water resources; and federal and state water quality personnel have struggled to consistently apply the law. After more than a decade, this rule finally provides clear and predictable protections for many streams, wetlands, and other waters, giving greater certainty to the regulated community and better guidance to federal and state regulators, which will streamline the permitting process.

What It Does Not Do

While the 2001 Supreme Court decision confused Clean Water Act jurisdiction, it did signal an upper bound by rejecting one of the grounds for finding jurisdiction. Therefore, the proposed rule does not – and cannot – restore protections to all the wetlands and other waters that were protected for almost 30 years prior to 2001.

Additionally, the rule specifically lists which waters do not receive Clean Water Act protections. It preserves the existing exemptions for farming, forestry, mining and other land use activities, such as the exemption in the existing regulation for many wetlands converted to cropland prior to 1985, as well as exemptions written into the Clean Water Act itself that cannot be changed by administrative action. The rule also – for the first time – explicitly excludes many upland water features important for farming and forestry.

Clean Water Act statutory exemptions.

The rule reiterates CWA exemptions for the following activities that are important for farming, forestry and mining from applicable permitting requirements:

- Most common farming and ranching practices, including “plowing, cultivating, seeding, minor drainage, harvesting for the production of food, fiber, and forest products;”
- “Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches;”
- “Agricultural stormwater discharges and return flows from irrigated agriculture;”
- “Construction of temporary sediment basins on a construction site;” and
- “Construction or maintenance of farm or forest roads or temporary roads for moving mining equipment.”

Additional waters exempted by the rule.

The rule also excludes the following water features from Clean Water Act permitting requirements. This is the first time such waters have been declared exempt explicitly.

- Upland drainage ditches with less than perennial water flows;
- Artificially irrigated areas that would revert to upland should irrigation cease;
- Artificial lakes or ponds created in uplands and used for purposes such as stock watering;
- Artificial ornamental waters created in uplands for primarily aesthetic reasons;
- Water-filled depressions created as a result of construction activity;
- Groundwater; and
- Gullies and rills.

Many Important Waters Remain At Risk

The rule allows that Clean Water Act protections may apply to wetlands and small lakes located beyond river floodplains, but only in limited circumstances. Federal regulators must still decide on a more localized basis whether these waters, which include millions of acres of wetlands that provide fish and wildlife habitat, important flood storage, and water filtration, deserve Clean Water Act protection.

Now is the time for sportsmen to stand up and protect our sporting heritage. Support a strong Clean Water Act rule that restores protections to those waters we care about the most.

For more information, please contact:

Mike Leahy, Izaak Walton League of America, 301-548-0150, mleahy@iwla.org
Jan Goldman-Carter, National Wildlife Federation, 202-797-6894, goldmancarterj@nwf.org
Jimmy Hague, Theodore Roosevelt Conservation Partnership, 202-639-8727, jhague@trcp.org
Steve Moyer, Trout Unlimited, 703-284-9406, smoyer@tu.org

Waters of the U.S. Proposed Rule Myths and Facts¹

Overview:

- The Environmental Protection Agency's (EPA) proposed rule will not add to or expand the scope of waters historically protected under the Clean Water Act (CWA).
- The proposed rule will not regulate groundwater or tile drainage systems, and it will not increase regulation of ditches, whether they are irrigation or drainage.
- Any normal farming activity that does not result in a point source discharge of pollutants into waters of the U.S. still does not require a permit.
- If you were not legally required to have a permit before, the rule does not change that.

MYTH: The rule would regulate all ditches, even those that only flow after rainfall.

- The proposed rule does not expand regulation of ditches.
- The proposed rule would actually regulate fewer ditches than are currently covered under the 2008 Guidance.
- For the first time, the agencies are clarifying that any ditch that does not connect to the tributary system or any upland ditch built wholly in uplands that flow less than year round are never jurisdictional.
- Ditch maintenance activities do not require a CWA permit because they are exempt.

MYTH: This is the largest land grab in history.

- Fewer waters would be covered under this rule than were protected in the 1970s.
- The CWA is written and applied to protect clean waters, the lifeblood of communities, businesses, agriculture, energy development, and hunting and fishing across the nation.

MYTH: Those 56 conservation practices may be exempt from 404 but not other parts of the Clean Water Act.

- The 56 conservation practices were selected because they only involve section 404 discharges – dredged or fill material, and because they protect/enhance water quality.
- The agencies are eager to promote landowner practices that help to enhance environmental protection and protect the nation's clean water.
- The agencies are clarifying that operators are exempt from the need to obtain a 404 permit when they follow any of these 56 conservation practices – practices that are good for farmers and for clean water.

MYTH: EPA is increasing the number of jurisdictional waters by including ephemeral and intermittent streams as waters of the United States.

- Ephemeral and intermittent streams have been covered under the Clean Water Act since the 1970s.

¹ Source: <http://www.epa.gov/>

- The agencies are clarifying that ephemeral drainages under tillage and grassy swales on farm fields are not waters of the United States.
- Over 60% of tributaries nationwide have ephemeral or intermittent flow – the CWA recognizes that the health and water quality of larger streams, lakes and rivers depends on protecting the smaller streams and creeks that flow into them.

MYTH: EPA is taking control of the pond in the middle of the farm.

- The proposed rule does not change jurisdiction over farm or stock ponds.
- The rule does not change the existing exemption Congress created for farm or stock ponds which are covered by the CWA.
- Farmers and ranchers can continue to use and maintain their farm and stock ponds as they always have – this does not change.

MYTH: Groundwater and drain tiles will be regulated under the CWA.

- For the first time in regulation, the agencies are making clear that groundwater, including groundwater in drain tiles, is not covered by the CWA.
- The agencies are also making clear that swales, erosional features, rills, and gullies are never regulated.

MYTH: Farmers need a permit for cows walking across a stream or wetland.

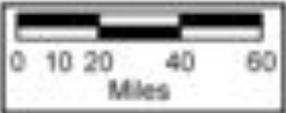
- Farmers do not need a permit for cows walking across a stream or wetland.

Perennial and Intermittent Streams of Colorado



Legend

- Perennial Streams
- Intermittent Stream
- Lakes & Reservoirs

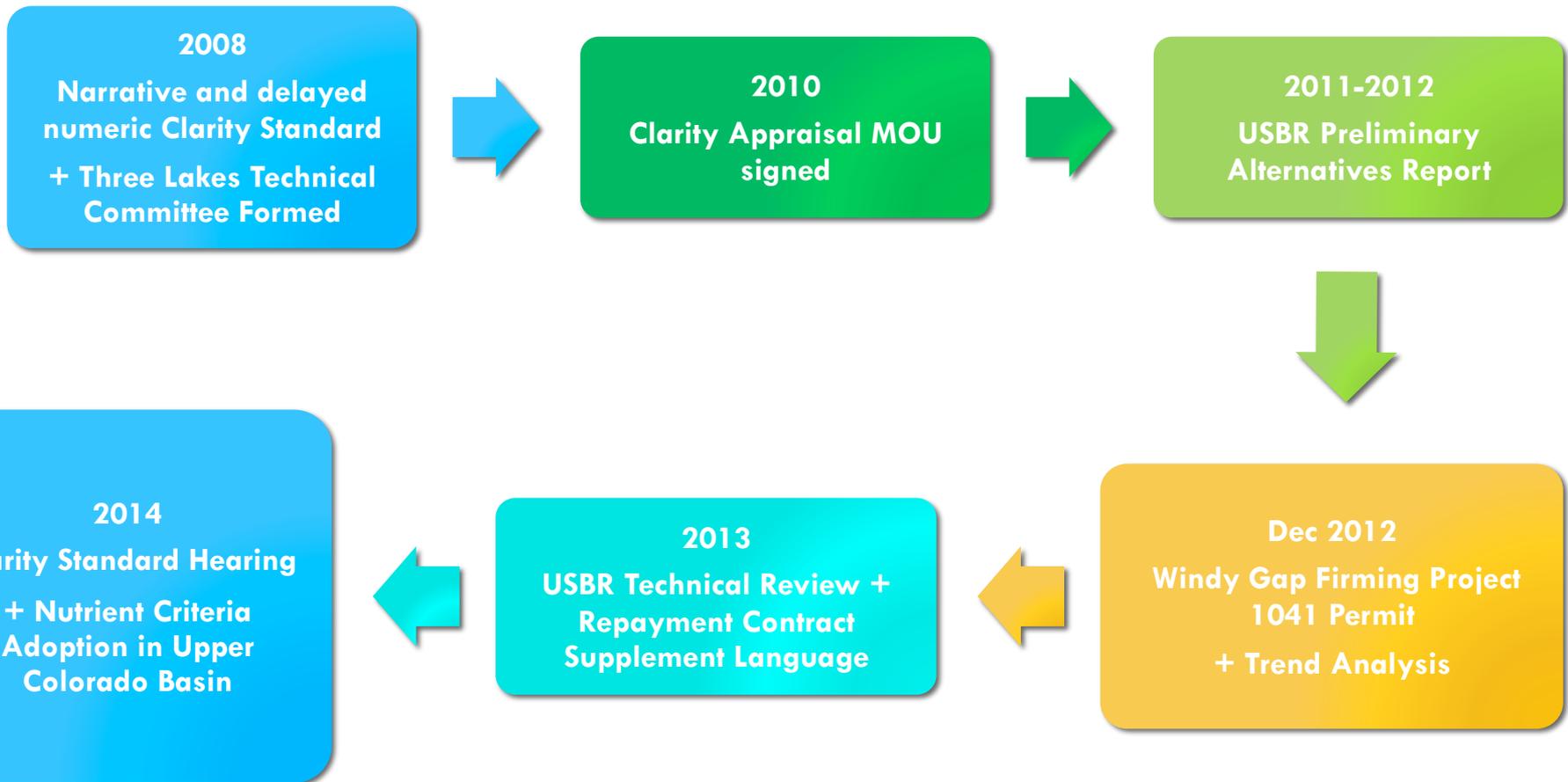


Map created from Colorado Division of Wildlife GIS data layer. CDOW designated stream segments as "Perennial" or "Intermittent" using a USGS 1:24,000 Map. CDOW designated some segments as "Artificial Flow Paths". For clarity and to avoid overemphasizing intermittent streams, these segments are here mapped as "Perennial". Similarly, both intermittent and perennial lakes are mapped as perennial.

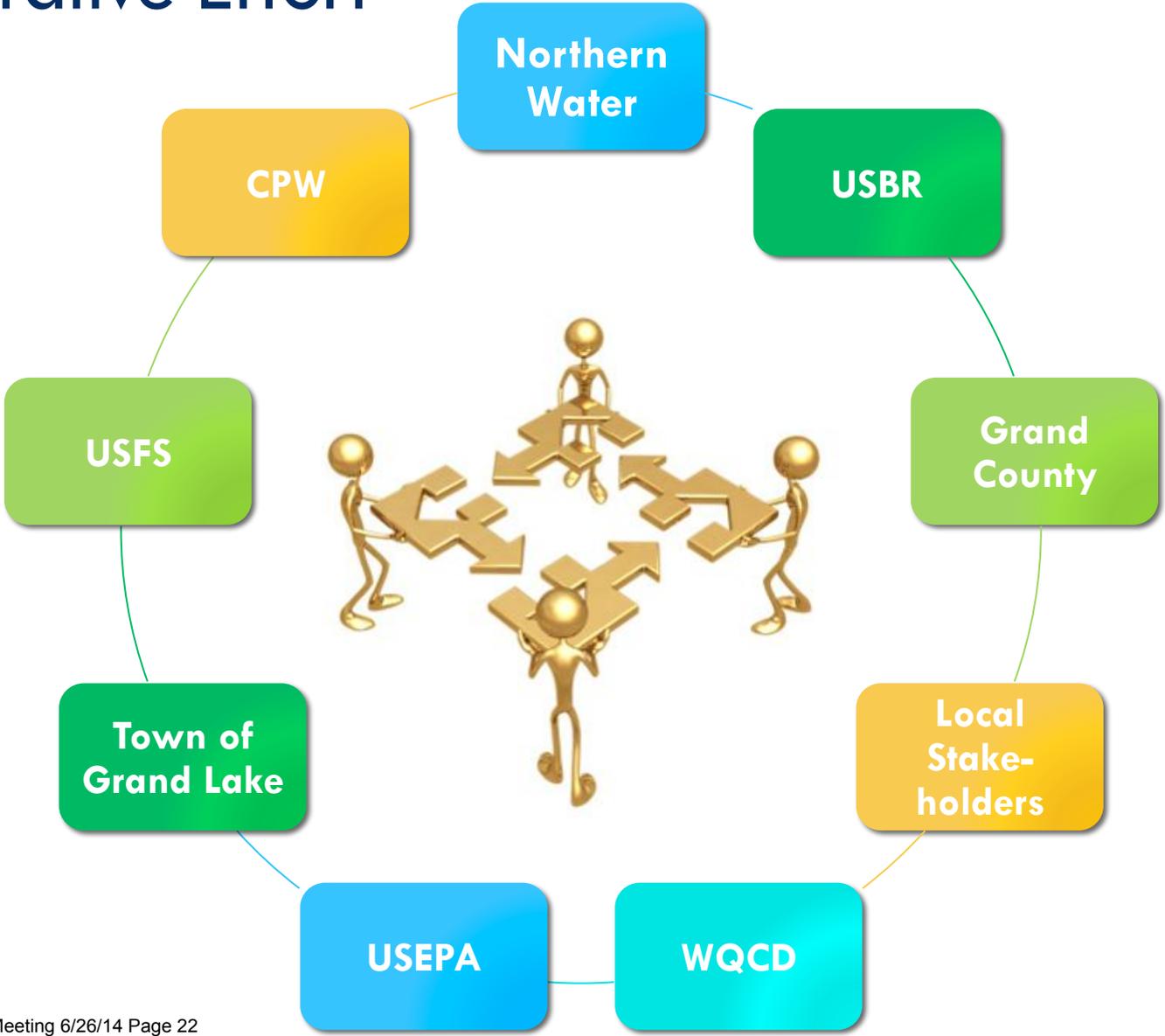
GRAND LAKE CLARITY STANDARD

*Northern Water/Grand County/
NWCOGG Joint Proposal*

Chronology



Collaborative Effort



ROUTINE MONITORING

Baseline & Real-Time

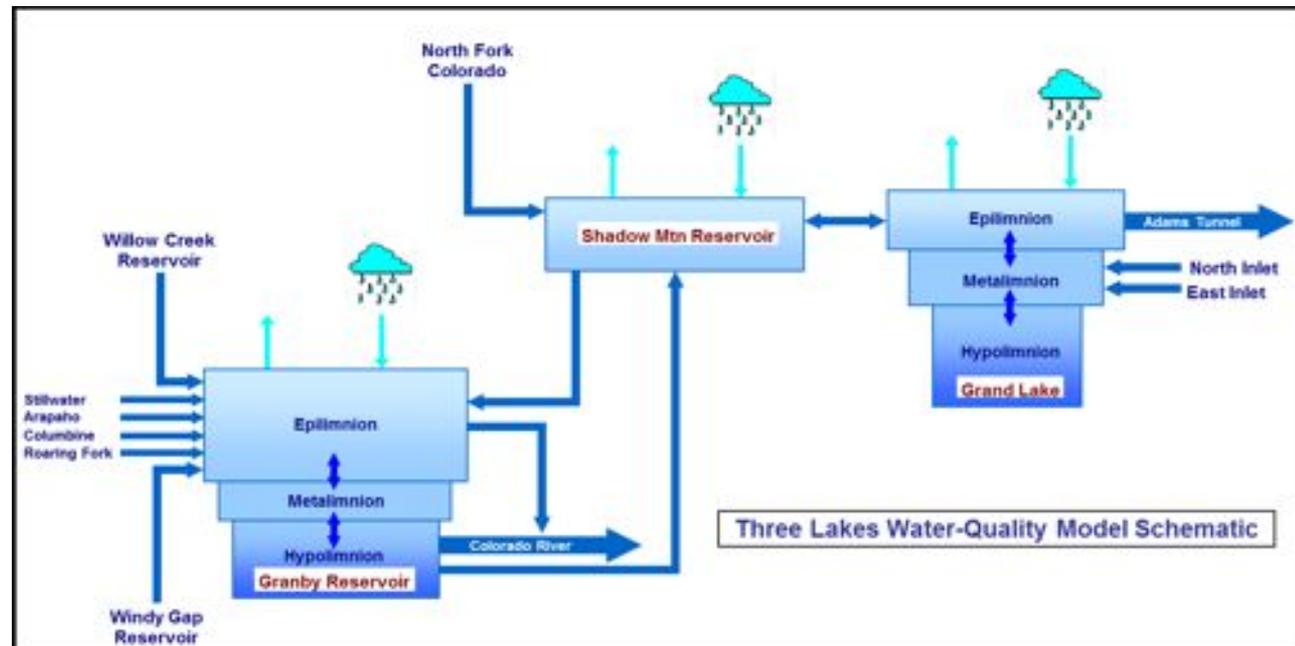
- **Routine Water Quality Monitoring**
 - Baseline water quality monitoring (\$500K/yr)
 - Secchi Monitoring
- **Continuous/Real-time monitoring**
 - Shadow Mountain Channel (T, pH, SC, Turbidity, Chl a, flow and flow direction)
 - All major inflows and interflows (T, SC)
 - Shadow Mountain - 2 sites (T, DO, pH, SC, Turbidity)
 - Granby Pump Canal (T, DO, pH, SC)
 - North Fork, Arapaho Creek & Adams Tunnel (Turbidity)
- **Other monitoring**
 - Atmospheric Deposition (RMNP)
 - Weather stations (Shadow Mountain + Granby)
 - Real-time streamflow gaging at all tributaries

WATER QUALITY MODEL

Custom Three Lakes Model

used for...

- Understanding operations/water quality relationship
- Nutrient Sensitivity Analysis
- Simulate structural and non-structural alternatives



SPECIAL STUDIES

Particulate Study

Stormwater Study

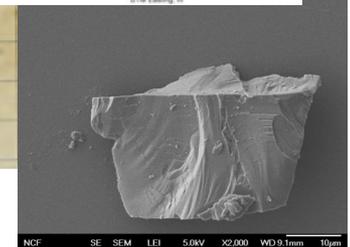
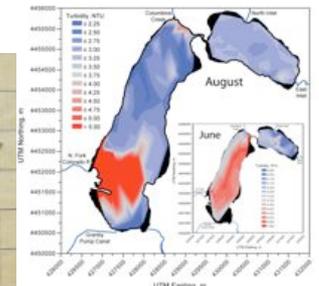
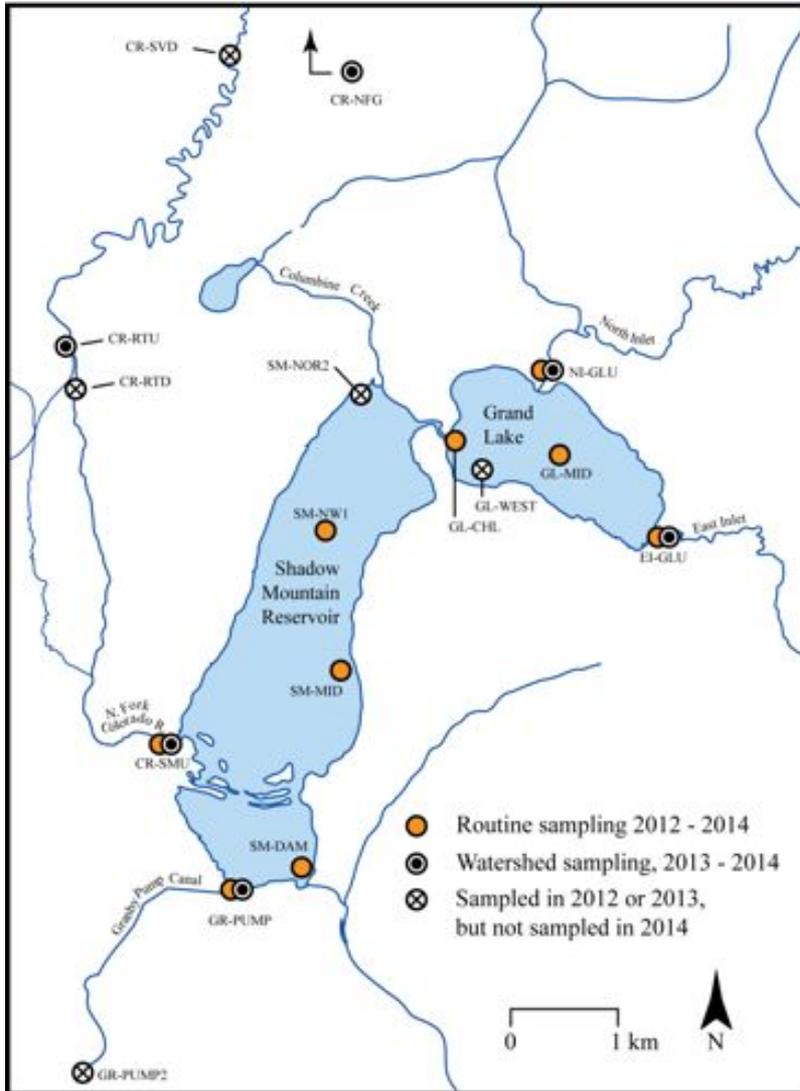
Aquatic Life Study

Particulate Study

- Multi-year study
- Non-routine/research type effort

Objectives

- Characterization of factors contributing to decreased clarity in Grand Lake
- Particle source identification



Stormwater Study

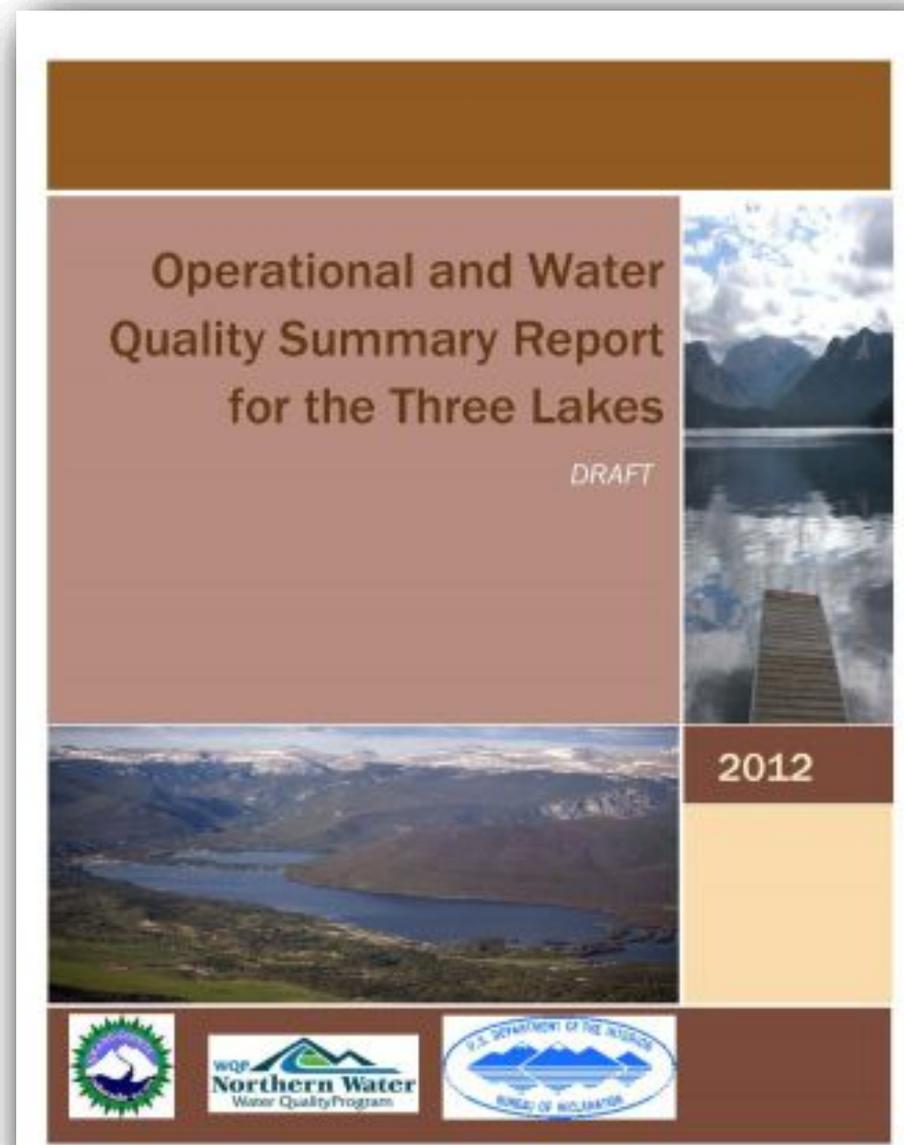
- Multi-year study
- Effect of Stormwater on Three Lakes Water Quality/Grand Lake clarity

Aquatic Life Study

- Relationship between clarity and lake ecology/aquatic life health
- CSU/Northern Water completed
- Follow up work may be needed

Reports

- 2009 CU Study
- Three Annual Reports (since 2010):
 - Water quality and operations in Three Lakes
- Trend Analysis Peer Review
- Nutrient Sensitivity Analysis
- Preliminary Alternatives Reports (USBR)
- Technical Review (5-yr work plan)
- 2014 Draft Preliminary Particulate Study Report



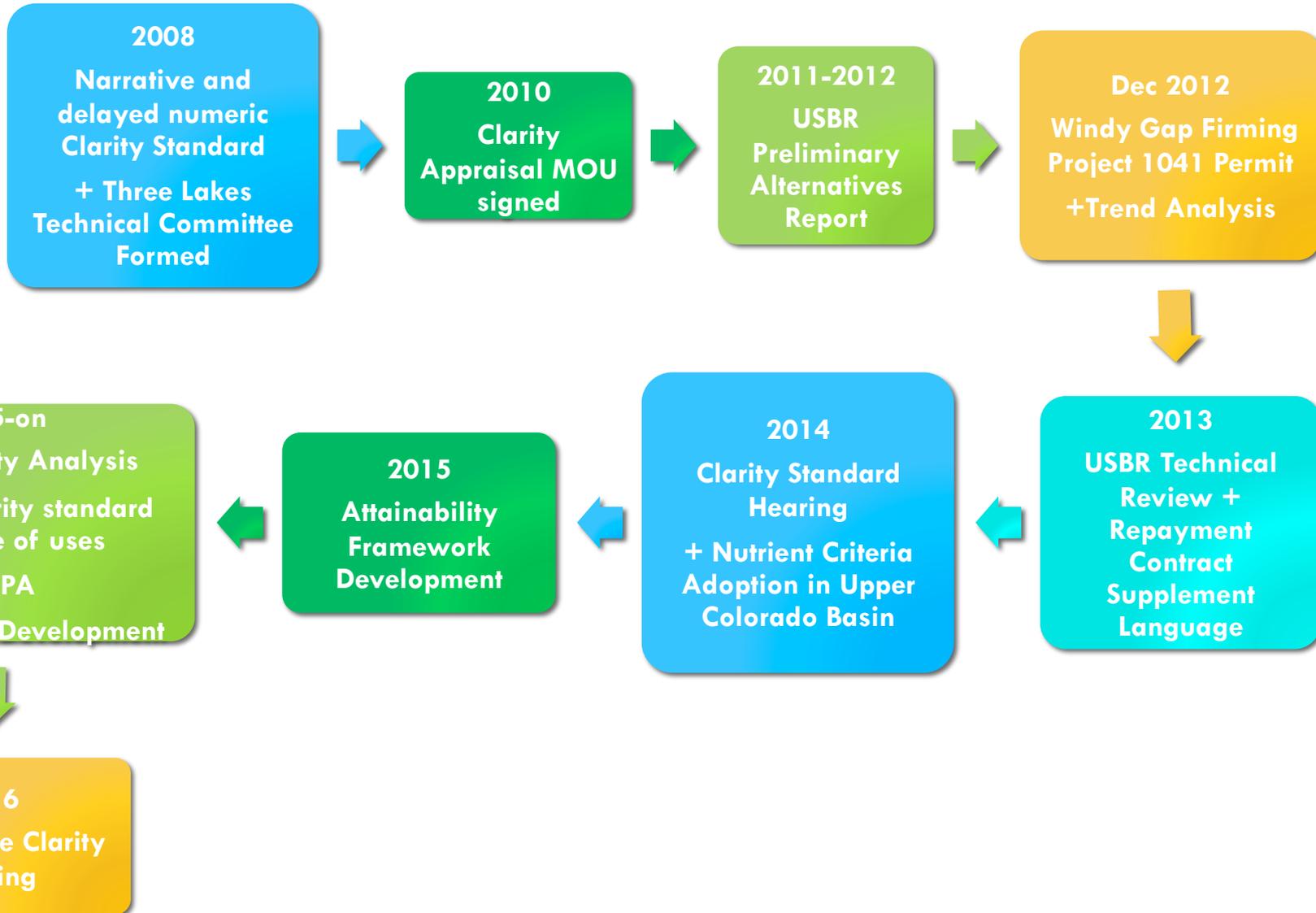
Long-Term Agreements

- Clarity MOU (2010)
- Windy Gap Firming Project 1041 permit
 - Conditions and clauses pertaining to clarity in Grand Lake
- CBT Repayment Contract Supplement (2013)

Grand County, NWCCOG, Northern Water Joint Proposal

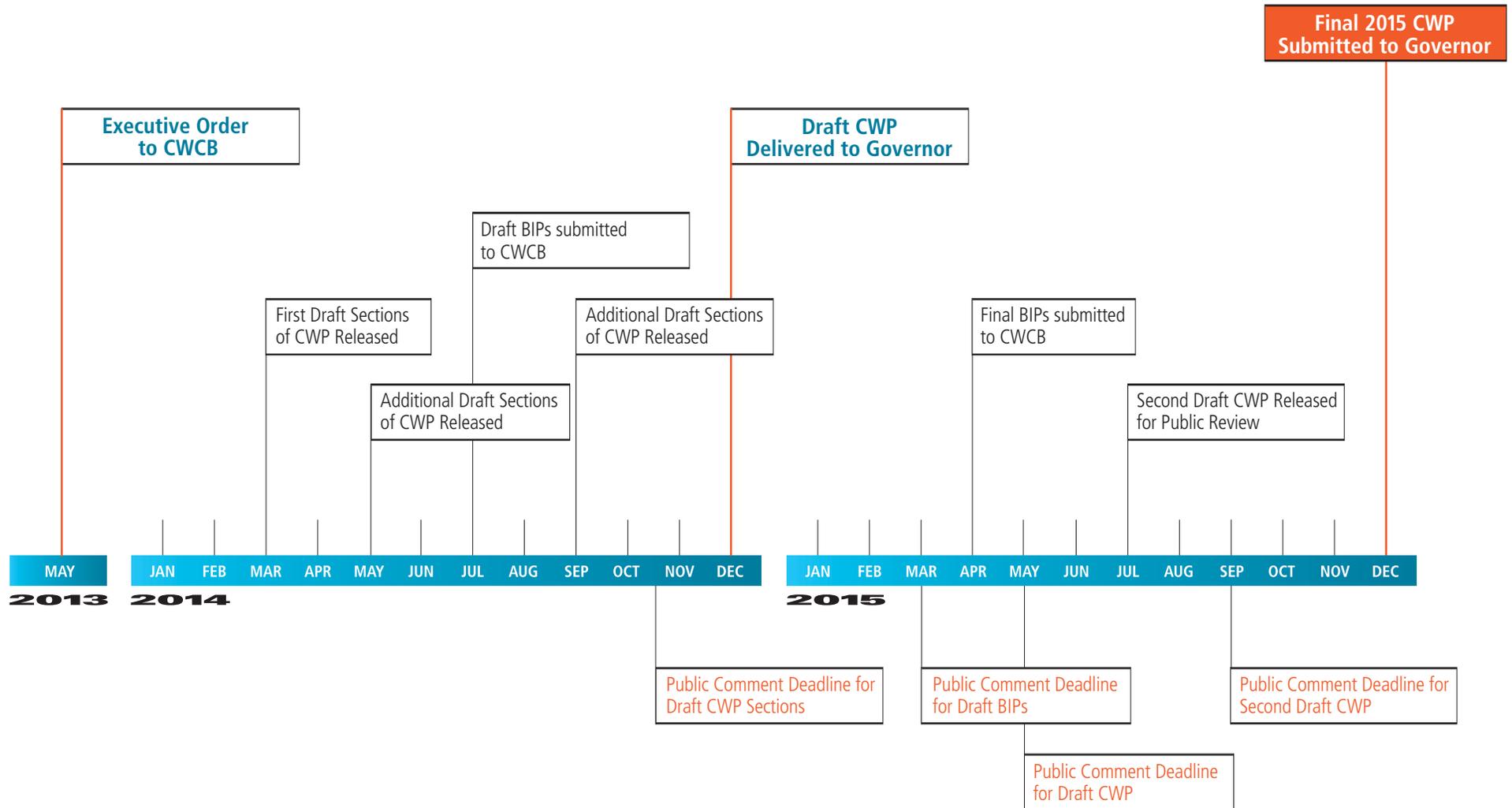
- **Substantial work has been done since 2008 leading to:**
 - Better understanding of factors that affect water quality/clarity in the Three Lakes system
 - Questions about existing clarity standard
- **Information gaps:**
 - Attainability analysis has not been done
 - Need more time to evaluate an attainable and protective clarity standard for Grand Lake
 - Evaluate structural and non-structural alternatives
- **Delay Effective date 2 years**
 - Develop a clarity standard that is
 - attainable
 - protective of uses
 - Screen alternatives
 - Propose revised site-specific numerical clarity standard in 2016
- **Proponents support WQCD alternative SB&P language**
- **Proponents support WQCD/ EPA consensus SB&P language**

Chronology



COLORADO'S WATER PLAN **TIMELINE**

CWP = Colorado's Water Plan **CWCB** = Colorado Water Conservation Board **BIP** = Basin Implementation Plan **2015** = All 2015 events are recommendations





MEMORANDUM

TO: Jim Pokrandt
FROM: Louis Meyer PE
DATE: June 18th, 2014
RE: CBIP Status

Jim, the purpose of this memo is to update the Colorado Basin Roundtable (CBRT) on the status of the Basin Implementation Plan (BIP). The following bullet points summarize the status of our work on the BIP over the past two weeks and the process we are proposing to prepare the final draft ready for submittal to the CWCB on July 14.

- Our Team submitted a rough draft (draft 1) of the BIP on May 16th. The purpose of draft 1 was to engage the CBRT at the earliest possible stage so that we could have adequate time to address for roundtable member comments before going to a final draft.
- SGM received comments from over 34 different individuals and public entities. We are very encouraged by the outpouring of engagement from the public and the Roundtable Members.
- On June 9th a Roundtable Meeting was held to discuss the process our team would use to synthesize all of the comments. Many of the comments we received were submitted over the weekend prior to June 9th and our team was not able to make those edits beforehand. We did summarize the substantive comments at the meeting. Further we brought forward the comments that had conflicting messages. The CBRT subsequently voted to give our team the go ahead to synthesize the comments into the draft, and proceed on to a final draft.
- After June 9th our team continued to get comments on Draft 1. One of the more consistent comments we received concerned the executive summary. After consulting with you a decision was made to rewrite the executive summary to be more consistent with the White Paper and the 6 themes of the BIP.

- Over the past week our team has been busy revising the BIP to address the concerns from the 34 entities that provided comments. We have been busy rewriting the executive summary which caused changes to subsequent sections to avoid redundancy. GIS maps have been finalized. Tables have been revised to address comments received on projects.
- Public Outreach and meetings have continued throughout this past week with communications from Garfield County and interviews with water providers and non-consumptive advocates. On Friday June 20th we are holding a meeting in Avon with all of the water providers in Eagle County. On June 25 we have been asked to coordinate a forum on the BIP for the Glenwood Springs Association of Realtors.
- Because of the significant comments received we will not have adequate time to submit a 2nd draft prior to the Roundtable Meeting until July 1 and therefore recommend we cancel the CBRT meeting on June 23. We would like to use the Roundtable members time efficiently. We would like to submit the next draft to the full Roundtable on July 1 so that we can schedule the next roundtable meeting for Monday July 7.
- We then intend to complete final edited version of the BIP to meet the CWCB deadline of July 14.
- It is our understanding that you will use this final BIP to assist in your presentation to the CWCB Board on July 16.

If you have any comments on this process and schedule please let us know.



WATER QUALITY / QUANTITY COMMITTEE (QQ)

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Summary of May 7, 2014 Land Use and Water Conservation Workshop

The Northwest Colorado Council of Governments Water Quality/ Quantity Committee (QQ) hosted more than 35 planners and planning commissioners, primarily from headwaters towns and counties on the West Slope. Several attendees represented Front Range communities as well, including Arapaho County and Denver Water.

The workshop started with an introduction of the statutory authority and requirements that connect land use planning with water supply availability and planning. A panel then presented on various communities' approaches to integrating land use decision making with water supply considerations, water conservation and watershed protection. The workshop then became hands-on, with a session to brainstorm land use planning practices and regulations that work to achieve water conservation and water quality objectives within participant's communities.

The following is a summary of the panel presentations, discussion session and conclusions reached during this workshop.

I. Panel discussion on integrating land use decision-making, water supply considerations, and water conservation.

Panelists for this workshop included:

Tom Boni, *Eagle Town Planner*

John Ely, *Pitkin County Attorney*

Peter Grosshuesch, *Breckenridge Director of Community Development*

James Shockley, *Winter Park Town Planner*

Panelists answered and discussed a series of three questions. Participants in the workshop were encouraged to ask questions and provide additional feedback from their communities.

1. What plans/regulations does your jurisdiction use to ensure that new development will have adequate water supply? What challenges have you faced with respect to that issue?

Answers to this question reaffirmed that local governments currently control timing, density, and location of development, and require development to provide adequate water supplies. The techniques communities employ for ensuring adequate water supplies vary.

The Town of Winter Park has robust regulations to ensure adequate water supplies, in part because of the reduced flows in the Fraser River caused by transmountain diversions. 65% of the Fraser River is diverted to the Front Range before reaching Winter Park.¹ The Town developed much of its land use code to protect the health of the Fraser River through the Town. The Town limits the issuance of development permits to maintain 10 cfs (cubic feet per second, a unit of measuring flowing water) in the Fraser River. The Town also does not allow outside irrigation anywhere in Town limits.

When new developments apply for annexation into towns, the application serves as an opportunity to evaluate and control water supplies. The Town of Eagle, for example, requires the annexor to donate all water rights to the Town which then are leased back for use in the development. The Town of Eagle's Land Use Code also requires developers to give assurance of adequate public facilities in development applications. If no such facilities are available, the developer must upgrade existing facilities or provide new facilities. The Town of Breckenridge also requires new development to bring its own water supplies.

2. How do your plans/regulations protect streams, wetlands and other riparian areas from the impacts of land use and development and major challenges in protecting riparian areas?

Local governments actively regulate land use development for the protection of river corridors and riparian habitat. Local governments are also making significant public investments in river restoration and preservation. Specific funding and regulatory examples are listed below.

- **Management plans for river and stream corridors**, such as the Brush Creek Management Plan in the Town of Eagle. Such plans identify values in stream that should be protected and then require new development to preserve those values in order to be approved for a development permit. The Town of Eagle also works collaboratively with the Eagle River Watershed Council to implement recommendations in the Eagle River Watershed Plan.
- **Defining development areas on property.** Pitkin County regulates permissible areas of development within a property with an eye on riparian habitat protection, and imposes limits on landscaping outside of the design area.
- **Regulating septic systems.** Generally, participants and panelists agreed that septic systems are huge sources of pollution and degraded water quality in rural areas. Septic systems are also problematic because when they are not working properly the cost of repairs or replacement can be exorbitant. Panelists agreed local governments should look for methods to regulate septic systems and to help fund replacements. Summit County and other jurisdictions have explored options for addressing septic problems, such as requiring a septic inspection and compliance with current regulations upon the sale of homes. Summit County also encourages replacement of septic systems with sewer by

¹ Coley/Forrest Inc., "Water and its Relationship to the Economies of the Headwaters Counties," Northwest Colorado Council of Governments, December 2011
<http://nwccog.org/docs/qq/QQStudy_Outreach%20Summary%20Jan%202012.pdf>.

- requiring new development to minimize phosphorous loading to Lake Dillon.
- **Conservation easements.** Pitkin County has two zoning districts that require conservation easements before development approval.
 - **Local government ownership of the river corridor.** The Town of Winter Park attempts to purchase as much of the river corridor through town as possible to protect river health and water quality and to add recreation and tourist opportunities. Generally, a new annexation to Winter Park requires town ownership of the river corridor.
 - **River restoration projects.** Local governments are actively investing in projects that will improve river corridors, water quality, and riparian habitat in their communities. For example, the Town of Breckenridge invested in seven river restoration projects to date, primarily related to abandoned in-stream mines.
 - **Construction management regulations.** Local governments regulate erosion from construction sites and limit impervious surfaces to reduce potential sediment loading into the rivers.
 - **Revegetation requirements.** Local governments require the revegetation of disturbed areas with native species as a condition of development permits.
 - **Setbacks** to prevent riverfront development from encroaching on riparian habitat. However, three panelists agreed that setbacks of 25 feet or 30 feet are often inadequate. The small setbacks also create an enforcement problem.
 - **Pitkin County Healthy Rivers and Streams Fund.** In 2008 voters in Pitkin County passed a dedicated 0.1% sales tax for healthy rivers and streams. The Fund allows Pitkin County to award grants, develop restoration projects and participate in litigation to protect healthy rivers and streams. The Fund is administered by the Board of County Commissioners with the advice of a citizens' board.

The panel's discussion of the significant local government investment in river restoration turned to a broader discussion of how to ensure the Colorado Water Plan protects already-existing investments. Participants recommended gathering information on what investments have been made by various communities in the QQ region for inclusion in the Colorado River Basin Implementation Plan. Examples of local government investment are listed as Exhibit 1.

3. Does your jurisdiction use the concept of “carrying capacity” or similar analysis in planning or regulation to ensure that new development is located in areas where the natural environment can accommodate the development?

Some local governments have embraced the idea and funded studies to better understand how many people a community's available natural resources, including water, can support, as several panelists described. Other panelists stated that once a study came up with a carrying capacity number, then it's politically difficult to limit growth once it reaches that number due to concerns about how this could affect the economy of the area. In contrast, other local governments have embraced the idea and funded studies to better understand how many people a community's available natural resources, including water, can support.

The Town of Breckenridge completed carrying capacity studies as recently as 5-7 years ago. The study conducted in cooperation with Summit County examined what the Town and County will look like by 2030 and whether the leadership liked the direction the area was headed.

Breckenridge also funded a recent study of the capacity of all infrastructure including water and wastewater. The Town of Winter Park has regulations directly tied to the carrying capacity for the Town. The water capacity is capped (based on average density of currently zoned lands) to protect the river from over development. These capacity studies are subject to reevaluation, such as the potential to allow for more growth in Winter Park through new water available as a result of the Colorado River Cooperative Agreement.

While John Ely, Pitkin County's attorney, questioned the effectiveness of a "carrying capacity" approach to planning, he also highlighted Pitkin County's Growth Management Quota System, which establishes a set number of development permits available on a competitive basis to ensure slow, measured growth that won't get ahead of Pitkin County's quality of life. Likewise, the Town of Eagle institutes an urban growth boundary to help control density and ensure growth happens slowly enough to provide time to react.

II. Small Group Discussions: Water Conservation Targets in Comprehensive Plans.

Small groups debated the various pros and cons of requiring water conservation targets, such as a certain goal in gallons per capita per day, in local comprehensive plans. Participants explained why some alternative water conservation measures might work better in their communities than targets, identified issues with rural areas utilizing wells, and considered how they might prioritize the different water conservation methods. Finally, discussion focused on the best forum to integrate land use and water conservation.

1. Should water conservation targets be required in comprehensive plans?

Generally, most participants in this workshop positively affirmed that water elements should be required in comprehensive plans. Participants felt that conservation targets or something similar would be appropriate to implement water conservation in comprehensive plans. Several commented that targets were useful because they were flexible and could be easily changed. Water use goals or targets should include timelines to be most effective.

The metric that different communities would use to measure conservation was problematic. A method to determine the actual population using water day-to-day is necessary to avoid the appearance of inflated per capita use in communities where tourism and recreation-based population swings are dramatic. Many people in rural communities also rely on septic systems for wastewater treatment and wells for water supplies; usually neither of these services is metered. Water conservation targets based on gpcd may not adequately consider these situations.

Finally, some participants highlighted the difficulty in a local government instituting a conservation goal when a special district provides the water for development in that same area. Even for these areas that may want to implement water conservation regulations, such change can be cumbersome with multiple districts and multiple processes. Nevertheless, the local government regulates where, how, and when development occurs and what conditions if any should be imposed on the amount of water that development uses.

For these reasons, most participants felt communities should adopt their own specific water conservation goals to allow local governments to tailor goals to their own needs. The metric used to calculate the baseline for comparing improvements in water conservation was important to most participants. One group offered the suggestion that gallons “consumed” per capita per day might more fairly compare local water use with trans mountain diversions since most water delivered to a household is not consumed but rather returns to the stream, whereas water that is diverted out of the basin has no return flows in the basin.

2. What alternative methods of conserving water would work in your communities? How should these methods be prioritized?

Participants discussed several possible techniques that might help implement water conservation in their communities. Such techniques include:

1. Requiring higher density development, which is also beneficial as a practical land use tool, especially for resort communities where tourists want to take advantage of public transportation.
2. Improvements in outdoor irrigation and landscaping, including:
 - Watering restrictions (participants were mixed as to the effectiveness for their communities)
 - Landscape design regulations, including encouraging alternative grass types
 - Evapo-transpiration-sensing fixtures for outdoor irrigation
 - More efficient irrigation practices and efficiency incentives (although many communities already do not allow outside irrigation for lawns)
3. Lodging tax that could be used to redevelop infrastructure (like the Pitkin County Healthy Streams tax, mentioned in the panel discussion above), for infrastructure improvements
4. Incorporate Low Impact Development protocols to protect water quality for stormwater runoff
5. Adjustable water billing rates based on water usage or a monthly “budget” of water calculated for a new development.
6. Metering of wells to include in compliance with targets.

Most participant discussions mentioned the importance of prioritizing efforts on measures that result in the highest water savings, such as outdoor irrigation regulations, in many regions around the state.

Each group also emphasized the importance of education in implementing water conservation measures. The general public should understand the reasons for such regulations. In order to gain momentum for implementing water conservation regulations, land use planners, planning commissioners, and elected officials all need continued education on the importance of such efforts.

3. What is the best forum to further land use and water integration?

Participants generally agreed that all government sectors, from the federal level through the state and county to the community, would need to be involved in meaningful water conservation. One group pointed out the importance of working with federal agencies to protect water infrastructure from wildfire, for example.

Many acknowledged that the issue is very localized, with strong momentum to keep it that way, but on many levels it should be a more regional discussion. Several groups mentioned that regional organizations like NWCCOG should be taking the lead, along with organizations directly involved in land use planning like the American Planning Association, Colorado Counties, Inc., or the Colorado Municipal League.

Each group grappled with whether they felt state legislation to mandate water conservation targets for communities statewide would be an acceptable solution. Many were hesitant to invite state action because of how varied communities' water challenges are and how unique the solutions might be. As discussed above, a system of state-wide targets created concern among some participants. Some mentioned that some type of state legislation could be possible, even if targets were not ideal. Others were very supportive of state legislation that would require water conservation and water availability elements in all comprehensive plans. Across the board, participants remained concerned about what the metric would be for targets or some other mechanism for water conservation.

III. Conclusion.

Local governments have the authority and tools to make sure that new growth and development do not outstrip water supply. These tools are been used effectively in many communities to protect the quality of life and important natural resources identified in master plan goals. The workshop agreed on the importance of integrating land use planning with water planning and making sure this discussion is included as part of the Colorado Water Plan, especially in light of State projections that Colorado's population may double by 2050 with necessary water supplies for many of those people yet to be built or even identified. Immense opportunities exist for closing Colorado's future water supply gap through land use planning and conservation while also restoring and maintaining healthy rivers and preserving agriculture.

Participants recommended continuing discussions on how best to establish and measure water conservation targets in land use planning, but emphasized that this is best done at the local level. They also want to consider legislation that would require, rather than allow, a water planning element in municipal and county master plans around the state.

Participants decried the knowledge gap about water conservation in the planning profession and recommended that more should be done to close the gap. All were in agreement that the dialogue about the intersection of land use planning and water conservation must continue. Regional organizations like Councils of Governments, American Planning Association, Colorado Counties, Inc., and the Colorado Municipal League should provide leadership to educate and assist local governments in instituting water conservation and water availability elements in comprehensive plans.

Exhibit 1

Examples of Nonconsumptive Restoration Projects in Headwaters Counties

Many nonconsumptive projects have been completed at considerable investment of time and money. These projects deserve to be recognized and protected from future water projects envisioned by the Colorado Water Plan.

The following are only *examples* of the many nonconsumptive projects initiated by local governments to benefit the environment and recreation in their communities. QQ encourages the Colorado Water Plan process, specifically those undertaking planning efforts in the Colorado Basin, to consider completing such a list for the entire Colorado River Basin in Colorado. Such a list is important both to give a sense of scale and expense of these projects and to document investments that could be endangered with additional development of water resources in the Colorado Basin.

These sample responses were provided by NWCCOG members in response to the following emailed question:

NWCCOG/QQ is seeking information to include in the Colorado River Basin implementation plan for the Colorado Water Plan. We want to make sure that the Plan takes into account watershed restoration projects and other water body protections so that protected segments are not jeopardized by future transmountain diversion water development projects. **Examples are the stream restoration in Breckenridge in former mining areas, Town of Eagle water body setbacks required for new development along Brush Creek, or conservation easements allowing public access along stretches of the Roaring Fork.**

Please let us know whether your jurisdiction has restored any stream segments, acquired any conservation easements on any stream segments, or spent money on or required other watershed restoration work.

Please identify the specific stream reaches that have been protected or restored and an estimate of the amount of money spent on the projects.

Town of Fraser

The Fraser River Project, an aquatic habitat enhancement project completed in 2006, addressed riparian restoration of two miles of river through town.

Town of Frisco

In the past ten years the Town of Frisco has done extensive tree plantings to the benefit of the watershed on the Frisco peninsula in Dillon Reservoir. We have also created a white water park on Ten Mile Creek that included river restoration and improvement to the fish habitat.

Town of Silverthorne

The Town of Silverthorne has made a number of investments in restoring and protecting the Blue River corridor through Town, including:

- RICD below Dillon Reservoir with kayak park construction planned
- Paths/bridges along the River in Town
- Multiple Blue River restoration and habitat improvement projects
- Old Dillon Reservoir to supplement flows on the Blue River
- Several parks on the river
- Open space and conservation easements on the river
- Wastewater treatment plant investments

Eagle County and Eagle River Watershed Council

- River health and restoration projects in Eagle County, collaborative efforts of Eagle County and the Eagle River Watershed Council, include:
- Edwards Restoration Project- a \$4 million project on the Eagle River was that will be completed by spring 2015.
- Basin of Last Resort- a \$20 million sand clean up and prevention project for a 10 mile segment along I-70 to protect Gore Creek and the Eagle River. This is a CDOT project in response to a TMDL and is on-going, current monitoring costs alone are \$15,000/year.
- Camp Hale – watershed improvement projects that the National Forest Foundation is guiding this process, with Marcus Selig being the primary contact. Originally it was a \$5million project- made up of a \$2.5 million match from USFS and the remaining \$2.5 match from NFF's fundraising efforts, but is now estimated to cost \$10-20 million for competition.
- The Eagle River Watershed Council restored the Eagle with the ERWSD above and below Lake Creek to mitigate temperature issues.
- Several boat ramps have been constructed on the Colorado River.
- The Town of Minturn also conducted restoration on the upper Eagle River in two phases with assistance.

Town of Breckenridge

At least 7 major restoration projects have been completed, including:

- Cucumber Creek: \$130,000
- Maggie Pond: (pending response)
- Riverwalk (in town): \$8 million
- Wellington Oro: \$4 million for the building; \$300,000 annual operating
- Block 11: \$51,450
- 4 mile bridge: (pending response)
- Upper Swan: \$279,800

- Miners Creek: \$29,600
- Sawmill Creek: \$117,170
- Klack: \$181,000
- Illinois Gulch: \$141,310
- Kayak Park: \$225,000
- Stan Miller: \$1 million



WATER QUALITY / QUANTITY COMMITTEE (QQ)

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MEMORANDUM

DATE: 6/20/14

TO: Rebecca Miller, Jacob Bornstein, Kate McIntyre, Kevin Reidy, CWCB Staff

FROM: Northwest Council of Governments Water Quality/ Quantity Committee

SUBJECT: Comments on Draft Sections 5.6 and 5.10 of Colorado's Water Plan

The following are the Northwest Colorado Council of Governments Water Quality/ Quantity Committee (QQ) comments on May 9, 2014 draft sections of Colorado's Water Plan. We are submitting redline comments in a separate document.

We appreciate the CWCB delivering these sections for public review early in the process, and we look forward to continuing to work with the CWCB on this process. Please let us know when

5.6.1 M&I Water Conservation

Overall, section 5.6.1 on M&I water conservation and reuse would be more effective if it were a more aggressive including recommendations rather than ideas. Also, the role of local governments in land use planning and the potential for their authority in this matter to result in significant gains in water conservation is unmentioned. For example, local governments could encourage denser developments, adopt limits on irrigated turf, require implementation of measure outlined in the CWCB's *Best Practices Guidebook for Municipal Water Conservation in Colorado*, etc. More focus is given to water providers, but remember that local governments are the entities who approve the growth that the water providers serve.

Introduction:

From the very beginning the document seems to down play the value of conservation and reuse. The State should aggressively encourage conservation at the local level and offer to support necessary policy measure to accomplish this, rather than lightweight comments like "it is not a silver bullet."

Benefits of Water Conservation:

The focus of this section is on what could be accomplished by the minimum or low level of conservation from the No/Low Regrets process and the IBCC determination that 170,000 acre-feet is the potential for water conservation. Given the reader is unlikely to understand the significance of No/Low Regrets, or what a low/medium level of conservation entails, it would be useful to explain this in terms of the range of potential conservation gains as context for this section.

Page 3 does mention that the potential for conservation savings is as much as 461,000 acre-feet, but it is not clear why the state is not pushing more aggressively for that kind of savings, given the threat of a gap. The section would benefit from a quick explanation of what additional measures would be required to move from “Low” levels of conservation to “High” levels.

IBCC Actions:

This section utilizes the IBCC statements as the bottom line for water conservation efforts. The second sentence in the second paragraph is a good example where it states that the minimum level should be what carried out statewide. Instead, the CWP should be encouraging the best reasonable conservation measures and recommending methods to get there.

Partnerships:

This section makes no mention of local governments in spite of their definitive role of reviewing and approving future development plans. This function of local governments uniquely situates them to encourage efficient water use in their jurisdiction.

5.6.3 Land Use

The discussion of land use and its relationship to water planning is much greater than "conservation." QQ recommends creating a new section for land use rather than making it a subsection of 5.6, Conservation and Reuse. Aligning land use planning and water planning has more benefits than conserving water supplies.

At the Land Use Planning and Water Conservation Workshop that QQ hosted in May of 2014, panelists emphasized land use regulations and various approaches for ensuring adequate water supply before approving development permits or approving annexation. Participants also spent significant time discussing the many ways that land use regulations benefit *water quality*. A summary of the workshop includes various examples of how land use regulations and local government efforts benefit water quality and ensure adequate water supplies. The summary was sent to the CWCB staff along with these comments, and is available at

<<http://www.nwccog.org/docs/qq/SUMMARY.NWCCOGQQ%20LandUseWaterConsvnWorkshop%205%207%2014.FINAL.pdf>>

We also recommend providing additional background information to educate the reader on the land use planning and water planning nexus. This section would benefit from an explanation of why the recommendations provided are incentive-based. We suggest explaining Colorado's long history of supporting local governance, and the importance of localities determining the best processes for their growth and achieving their goals.

5.6.4 Agricultural Conservation, Efficiency, and Reuse

Overall, the tenor of this section on Agricultural Conservation is very pessimistic in terms of opportunities for conservation. This negative theme will likely dissuade the reader of alternatives to buy and dry or opportunities to keep agriculture in place while freeing up some water. A small percent reduction in agricultural diversions from the stream is significant in terms of M&I needs. The recommendations section should discuss the type of policy changes that may enable this to occur.

The discussion simplifies some issues to the point they are meaningless whereas in other areas it assumes background knowledge or uses acronyms that may not be common knowledge. For example on page 29 it assumes an understanding of "IWSAs", or what a water bank is. In other sections it over simplifies the issue, such as on page 25 in the description of return flows. A little bit of consistency on the level of detail or explanation would be helpful.

5.10 Framework - More Efficient Permitting

QQ continues to recommend that permitting for water projects be accomplished through a Joint Review Process ("JRP") managed by DNR. The template for the process was developed in the 1970's in anticipation of rapid oil shale development and was used on several occasions for projects subject to review under multiple regulatory programs. QQ submitted a paper on this process in earlier comments on the Water Plan.

A successful JRP would begin before the NEPA scoping with initial meetings in which the applicant described the proposed project and the regulatory agencies explained their authority and technical concerns. The local governments in the area where the project would be constructed and the area where the water would be removed (whether through ag transfers or transbasin diversions) would be essential to developing a clear understanding of local conditions, concerns, and regulations. During the JRP meetings, the regulators would agree to time frames for review, comment, and permitting. The JRP could facilitate intergovernmental agreements.

In addition, the agencies would agree to allow common reports and studies that would evaluate impacts that would most likely occur. Pre-application meetings would reduce costs to all parties because review and study of environmental and socioeconomic impacts would be tailored to satisfy permitting standards from the start. Through the JRP the applicant and agencies would narrow the field of reasonable alternatives before the NEPA process begins so that the formal alternatives screening analysis in the EIS would be narrowed to the study of realistic alternatives, saving money for all affected interests.

Finally, the JRP would serve as a forum for discussing mitigation. Because impacts of water projects are localized, the degree to which mitigation is appropriate and successful depends on local conditions and values. In some regions, for example, compensatory mitigation might satisfy federal and state requirements and be locally acceptable. In other regions, mitigation might require localized responses. CPW field representatives, local governments, and watershed groups also have a detailed understanding of the affected environment that is critical to developing mitigation that works. Most importantly, this "worm's eye view" can generate creative ideas about ways to avoid impacts altogether, which is in everyone's best interest.

QQ also recommends repealing the wildlife mitigation plan statute because the process is time consuming and results in an advisory recommendation without regulatory effect. Instead, CPW should express its concerns during the JRP.