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**WATER QUALITY / QUANTITY COMMITTEE**

## QQ Meeting Summary

June 14, 2019 at Third Street Center, Carbondale

Summary sent out June 25, 2019

### QQ MEETING HIGHLIGHTS INSTREAM FLOWS AND THEIR ECONOMIC IMPORTANCE

To kick off it's summer meeting, QQ members gathered to learn more about Colorado's instream flow program and the importance of instream flows to the economy of the QQ region.

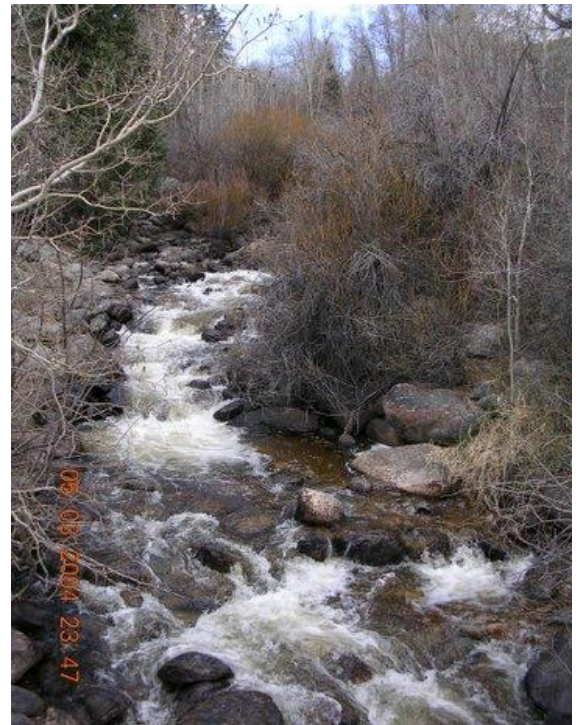
Linda Bassi, Chief of the Colorado Water Conservation Board (CWCB)'s Stream and Lake Protection Section, joined QQ to discuss the Instream Flow Program, administered by the CWCB since 1973 to, according to the legislature, ". . . appropriate, . . . or acquire . . . such waters of natural streams and lakes as may be required to preserve the natural environment to a reasonable degree." The CWCB is the only entity that can hold instream flow or natural lake level water rights through a water court appropriation. CWCB also can accept water rights for the program by donation, purchase, lease, or other contractual agreement, always on a voluntary basis.



*Go Pro Mountain Games, held annually in Vail, is an excellent example of the QQ region's river-based economy. This competition garnered an estimated \$7.2 million (Denver Post). Photo by Rick Lohre via [www.mountaingames.com](http://www.mountaingames.com)*



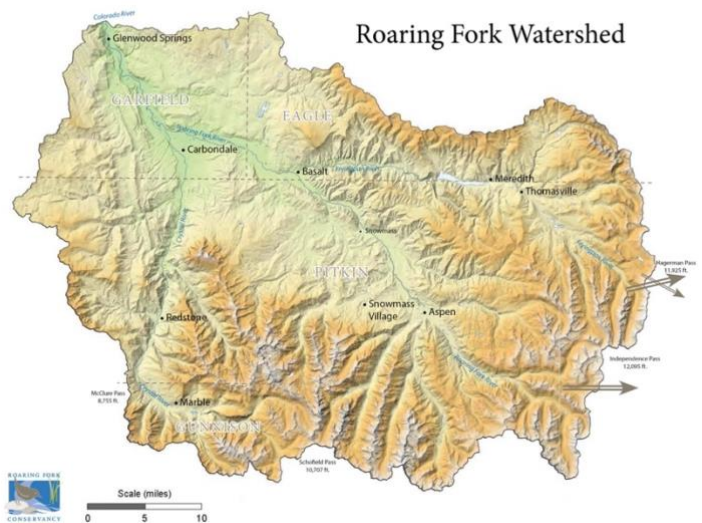
Since members convened in Carbondale for our summer meeting, April Long, Director of the Ruedi Water and Power Authority (RWPA), described the many creative ways that local governments, irrigators, the Colorado Water Trust, the Colorado River Water Conservation District, and other willing partners work together to increase flows throughout the Roaring Fork Basin. Along with the instream flow program, local governments utilize recreational in-channel diversions to build whitewater parks and call water downstream. Many examples of “creative contracts” exist in the Roaring Fork and mainstem Colorado to ensure adequate streamflows. And communities are now about to work jointly through voluntary water conservation plans to reduce water usage during low flow periods without being penalized under Colorado’s “use it or lose it” water law system thanks to Senator Gail Schwartz’ Senate Bill 13-019.



*One example of a permanent acquisition of instream flow water rights in Summit County, on Peabody No. 1 Ditch. Retiring rancher sold land to USFS and later sold water right to Colo. Water Trust. CWT donated water right to CWCB for ISF use to preserve and improve 14 miles of the Blue River above Green Mountain Reservoir. After ISF use, historic consumptive use credits remarketed to River District for downstream augmentation uses. Photo and details from Linda Bassi’s presentation to QQ.*

Linda highlighted the many benefits of acquiring instream flow water rights. Instream flows can help extend the amount of time water is legally available to existing junior water rights. They can be a way for landowners or communities to maintain flows in local streams, and often serve as an option for irrigators in dry years. Importantly, they help protect health streams and fish populations. All of these drive towards the overall economic benefit of instream flows.

In 2011, QQ commissioned the *Water and Its Relationship to the Economics of the Headwaters Counties study*, which outlined the many ways the economy of the QQ region is connected to healthy flowing rivers and thus instream flows. Our recreation tourism, agriculture, and resource extraction economies all rely on adequate water in rivers. And the state’s economy relies on our rivers and our economy as well. However, the QQ region is the most heavily diverted in the State, sending



*Left photo of Ruedi Reservoir, which provides flexible options for instream flows downstream on the Frying Pan River, by Torie Jarvis. Right image of Roaring Fork watershed by Lotic Hydrological via the Roaring Fork Conservancy.*



significant amounts of water to aid the Front Range’s growth. Because transmountain diversions are 100% consumptive for the region, the QQ region’s rivers are already compromised. Climate change is only predicted to worsen the situation, as documented in QQ’s 2017 [study: Climate Change in the Headwaters: Water and Snow Impacts](#). It’s clear from this presentation and revisiting the study that creative solutions are needed to address reduced streamflows, and we need to utilize every available tool, as different tools work best for different streams and rivers.

## QQ PARTY TO RECENT WATER QUALITY CONTROL COMMISSION HEARING

QQ recently participated as a party to the Water Quality Control Commission (WQCC) water quality standards-setting rulemaking for the Upper Colorado Basin (Regulation 33). The process culminated with a hearing to adopt new rules on June 10, 2019. Two primary issues relating to QQ emerged and were resolved at the hearing:

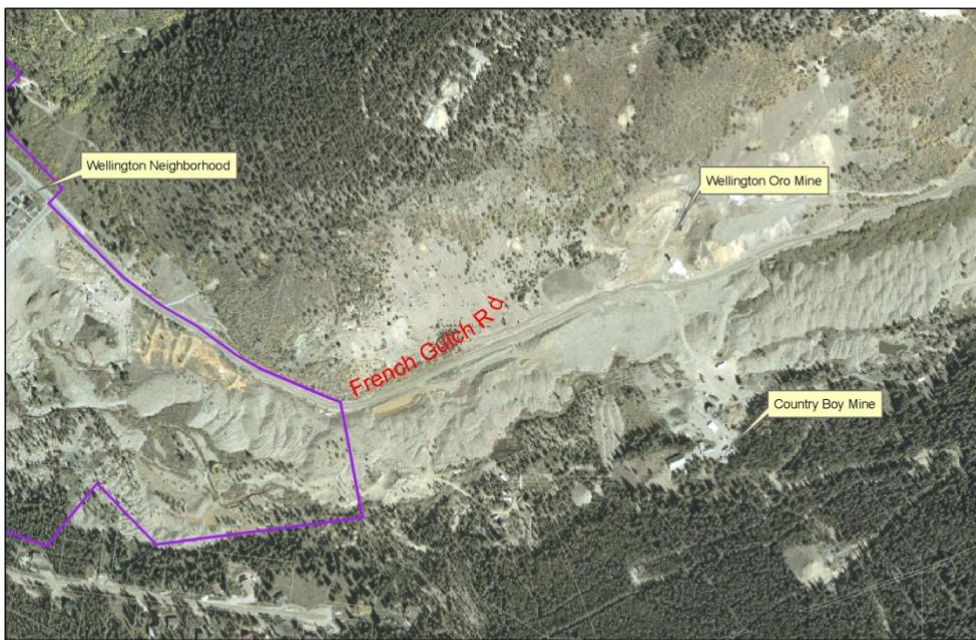
- **Metals standards on French Gulch:** The French Gulch drainage outside of Breckenridge faces considerable degradation from historic dredge and placer mining. Summit County, Breckenridge, and NWCCOG have worked with the EPA and others to understand and address water quality issues for more than 20 years, including a multimillion dollar mine water treatment plan coming online in 2008.

However, with a general view of eliminating narrative water quality standards, the Water Quality Control Division recommended changing the existing “current quality” standard for cadmium and zinc to the statewide table value standards, which everyone agreed were unattainable. While all the parties also agreed to work towards a more appropriate site-specific standard over the next 5 years, QQ opposed the Division’s proposal. QQ, Summit, and Breckenridge were concerned about nonattainment of the new standard, which could implicate various compliance triggers related to commitments made through EPA CERLA

cleanup requirements.

The WQCC made a provisional decision to maintain the existing narrative standard, thus avoiding potential negative impact to Summit and Breckenridge, while all parties work towards developing an appropriate numeric temperature in the near future.

- **Temporary modification (“temp mod”) proposal by Steamboat Springs:** QQ supported Steamboat Springs in its proposal to institute a temp mod for temperature standards on the Upper Yampa. There are predicted compliance issues for Steamboat’s discharge permit, but many signs point to other temperature influences and reasons for temperature



Wellington Oro Water Treatment Facility Vicinity Map

This map is for display purposes only.  
Do not use for legal conveyance.  
Not necessarily accurate by surveying standards and  
does not comply with National Mapping Accuracy Standards.  
© 2009 Summit County Government, Open Space and Trails Department.

0 180 360 720 Feet



*This bird’s eye view of French Gulch illustrates the degraded, rocky, denuded nature of the area around the mine water treatment plant.*

issues—sources which Steamboat is already working to better understand and address

where possible. QQ supported Steamboat's segment-specific and data-driven approach for examining temperature influences to work collaborative towards a solution that protects the river and Steamboat as a discharger.

## INTEGRATING LAND USE AND WATER PLANNING

- **QQ is finalizing its land use and water assessment project this August!** QQ was awarded a Water Plan implementation grant to assess our local governments' integration of land use and water in land use codes. The project includes an assessment of water savings and water quality measures in member land use codes, which was previewed at this June QQ meeting, and the development of a model code and best practices for water savings measures specific to the headwaters region. Del Corazon Consulting, led by long-time planner and facilitator Marjo Curgus, is the consultant on the project.
- **QQ members participate in Growing Water Smart in the Headwaters.** In conjunction with finalizing our land use and water assessment project, many QQ members joined Sonoran Institute and QQ in April for a three-day workshop on integrating land use and water, including local regional teams from Summit and Gunnison Counties, and teams from Grand County, Garfield County, and the Town of Eagle. A more in-depth summary of the workshop is available [here](#).

**Our QQ meeting is on the radio!**

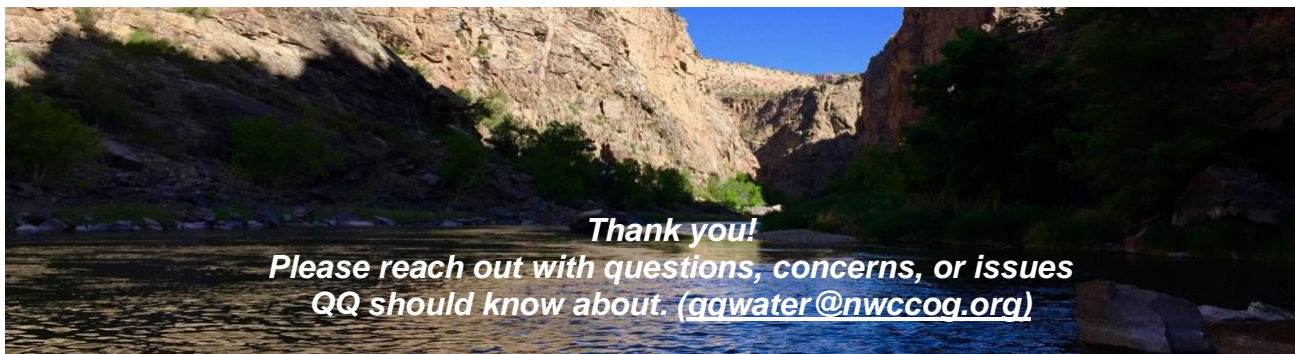
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community radio

[Click here](#) to listen to Julie Murphy discuss Senate Bill 19-181 and upcoming rulemakings relating to local government and Colorado Oil and Gas Commission (COGCC) regulation of oil and gas development. Julie is the Assistant Director of Minerals and Energy for CO's Dep't of Natural Resources and former Director of the COGCC.

**Did you know QQ archives board packets, meeting summaries, and presentations from past meetings?**

*Just visit*

<http://nwccog.org/qq/archived-qq-agendas/>



**Thank you!**

**Please reach out with questions, concerns, or issues QQ should know about. ([gqwater@nwccog.org](mailto:gqwater@nwccog.org))**