

P.O. Box 2308 • Silverthorne,
Colorado 80498



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qqwater@nwccog.org

QQ Quarterly Board Meeting

Thursday, October 17, 2019

10 AM – 3 PM

9AM: *Introduction to QQ (optional)*

Summit County Community and Senior Center

[83 Nancy's Place, Frisco, CO 80443](#)

AGENDA

- 9 AM *Optional introduction to QQ*
- 10 AM *Introductions*
- 10:15 AM *Studying the possible economic consequences Demand Management Planning, focusing on the Upper Gunnison John McClow, Upper Gunnison River Water Conservancy District Jessica Harvey, Harvey Economics*
- 11:00 AM *Examining the new QQ resource: Water Savings Guidance and Model Standards for the QQ Region Marjo Curgus, Del Corazon Consulting*
- 12:00 PM *QQ annual contracting and scopes of work approvals. Barbara, Ashley, Torie and Ethan Mobley from Dynamic Planning + Science*
- 12:30 PM *Lunch*
- 1:15 PM *Member updates. Focusing on new water conservation/ efficiency/ policy or code updates or projects. 1-2 minutes only, please! (30 members at 2 minutes = an hour)*
- 2:00 PM *Water Quality updates. Ashley*
- 2:30 PM *Policy updates. Torie*



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street
Denver, CO 80203

P (303) 866-3441
F (303) 866-4474

Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Brent Newman, Interstate, Federal, & Water Information Section
Karen Kwon, Colorado Office of the Attorney General

DATE: March 21, 2019

AGENDA ITEM: **28. Colorado River Drought Contingency Planning and Demand Management**

Background

Since January 2018, CWCB staff and members of the Attorney General’s Office have been conducting a series of outreach presentations across Colorado regarding drought contingency planning efforts underway in the Colorado River Basin. Consistent with direction from the Board, these efforts have served dual purposes: to educate and inform interested water rights holders and other stakeholders about the status of ongoing efforts to develop drought contingency plans in the Upper and Lower Colorado River Basins, and to solicit feedback from Colorado water users regarding the concept of demand management as a potential tool for avoiding compact administration in the event of continued drought or worsening hydrology.

At the September 2018 Board meeting, staff provided an update on ongoing outreach efforts, the relationship between ongoing interstate efforts to implement DCPs in the Upper and Lower Basin, and the evaluation of demand management as a tool within Colorado. The Board heard comment from a variety of water managers, stakeholders, and members of the public regarding opinions, challenges and opportunities presented by potential implementation of demand management.

At the October 4, 2018 Special Meeting, the Board directed staff to continue this outreach, including providing information about the recently released Drought Contingency Plan (DCP) documents. The Board also directed staff to prepare a “draft policy statement” for Board review at the November meeting, to guide the assessment, feasibility analysis, and potential implementation of a demand management program within Colorado.

At the November 15, 2018 Board meeting, the Board unanimously approved “Support and Policy Statements Regarding Colorado River Drought Contingency Plans, Demand Management, and Compact Administration,” which set out the Board’s policy to:

“Develop the state’s position and approach on whether and how to develop any Upper Basin Demand Management Program that could potentially be implemented within



Colorado consistent with state law to avoid or mitigate the risk of involuntary compact curtailment and to enhance certainty and security in the Colorado River water supply.”

This policy statement also laid out a strategy for formulating the state’s demand management position, identifying several elements for investigation and vetting through a thorough public review process. The statement also provides initial sideboards for such an investigation, informed by Board discussion and water user input to that point.

Since November, staff has been working with the Attorney General’s Office on a draft scope of work for demand management feasibility investigation. At the January Board meeting, staff presented a draft outline with initial thoughts for a 2019 Work Plan. As part of this agenda item, staff will report out on outreach efforts since January, provide an update on DCP progress, and walk the Board through the elements of the draft scope of work. The scope of work will identify a more formal outreach and public input procedure, working groups to investigate individual elements of demand management feasibility, and objectives to meet in calendar year 2019.

This work will focus on demand management considerations within Colorado, and will continue on a parallel track with interstate efforts led by the Upper Colorado River Commission. CWCB staff will also participate in those efforts, in close coordination with Colorado’s Commissioner and staff from neighboring Upper Basin states.

Staff recommendation

Staff recommends that the Board approve the 2019 Work Plan and direct staff to begin the action items identified immediately.



DRAFT

2019 WORK PLAN FOR INTRASTATE DEMAND MANAGEMENT FEASIBILITY INVESTIGATIONS

I. INTRODUCTION

It has never been necessary to administer Colorado's Colorado River Basin for compact compliance. Hydrology in the 21st century, however, has revealed it prudent to prepare for contingencies that consider the prospect of protecting target elevations at Lake Powell as well as the increased risk of compact administration going forward. As part of this effort, the State of Colorado has demonstrated a coordinated approach among Colorado's Commissioner to the Upper Colorado River Commission, the Colorado Water Conservation Board, and the Attorney General's Office to support and endorse the documents and agreements that comprise the Colorado River Drought Contingency Plans for both the Upper and Lower Colorado River Basins. Such support and coordination have come about only after careful consideration, collaboration and consultation with water users and other interested stakeholders throughout the state.

Within the Drought Contingency Plan documents is the authorization to store, free of charge, in the Initial Units of the Colorado River Storage Project, water that is conserved under a demand management program if approved by the Upper Colorado River Commission and each of the Upper Division States (Colorado, New Mexico, Utah, and Wyoming). The term "demand management" loosely refers to the intentional conservation of water for the purpose of helping assure compliance with the Colorado River Compact, and in so doing, avoiding the need to implement mandatory water administration strategies to fulfill the Upper Basin's compact obligations. The storage authorization, as set forth in the Drought Contingency Plan documents, does not require or mandate development or implementation of any demand management program. It merely secures the opportunity for the Upper Division States to store any water conserved under such a program should the Upper Colorado River Commission and Upper Division States ever determine it is advisable and feasible to promote and protect their interests in the Colorado River water supply.

Prior to declaring its support for the package of Drought Contingency Plan documents, staff from the CWCB and Attorney General's Office conducted extensive outreach and consultation with water users and other interested stakeholders to build a knowledge base regarding the current conditions in the Colorado River Basin and the inner workings of the law of the Colorado River. Additionally, they sought input and feedback on issues and concerns related to the concept of demand management that are important and integral to any considerations going forward. The CWCB subsequently issued the "Support and Policy Statements Regarding

Colorado River Drought Contingency Plans, Demand Management, and Compact Administration” (Support and Policy Statement) that outlines, among other things, the minimum criteria through which the state will investigate the feasibility of any demand management activities in Colorado.

The following 2019 Work Plan is a follow up to the CWCB’s Support and Policy Statement. It outlines, in general terms, the next steps that the CWCB staff will take, in conjunction with the Defense of the Colorado River Subunit at the Attorney General’s Office (funded by the CWCB), and with the involvement of other relevant state agencies and interested stakeholders to identify and evaluate whether and how demand management measures may be taken to help assure continued compact compliance, and thereby promote greater certainty and security in the Colorado River water supply for constituents throughout the state.

II. PROPOSED TENTATIVE 2019 WORK PLAN

- a. **Purpose** - The purpose of this work plan is to set forth a process for helping develop Colorado’s position regarding whether and how any Colorado River Demand Management Program could or should operate within Colorado. Guided by the CWCB Support and Policy Statement, specific focus will be on measures that can be taken within Colorado in the 2019 calendar year to effectively and efficiently utilize staff, resources and meaningful water user and other stakeholder engagement to flesh out various elements of interest and concern related to demand management activities within Colorado. It is also intended to help inform any investigative processes facilitated by the Upper Colorado River Commission.
- b. **Tasks**
 - i. **Initial Issue Identification** – The concept of demand management may be simple to describe, but assessing its utility and how it could be implemented in a manner that respects considerations important to Colorado and remains consistent with state and federal laws is no small task. There are a number of issues that the Upper Colorado River Basin will need to assess as a whole in contemplating whether to develop a demand management program, and others that may be specific to Colorado. This task centers on identifying and prioritizing the primary legal, technical and policy issues related to demand management that Colorado may deem important to evaluate as part of any feasibility investigation. This effort may be informed by collaborating and coordinating with Colorado’s Commissioner and counterparts in other Upper Division States, consulting and discussing topics with water users and other interested stakeholders, and reaching out to

experts in specific fields who may have a familiarity and perspective on Colorado River matters that can add value and substance to the overall feasibility investigation.

- ii. **Establish Workgroups** – This task contemplates creating specific workgroups to effectively evaluate various issues related to the demand management feasibility investigation in Colorado. Each workgroup will be guided by the criteria set forth in the Support and Policy Statement in formulating a meaningful scope of work, budget and timeline for Fiscal Year 2019/2020. They will be facilitated by staff at the CWCB or Defense of the Colorado River Subunit at the Attorney General’s Office to coordinate the flow of information between workgroups and to the Project Management Team (PM Team) as appropriate. Participants from other state agencies, water user or stakeholder groups, and entities with relevant expertise may be invited to participate as needed to help develop and assess the feasibility investigations, keeping in mind the need to maintain an effective and efficient process. Probable workgroups at this time include:

**Law and Policy* – Review and analyze laws, rules and regulations and relevant policy considerations to inform the range of state and federal legal and policy frameworks to follow for demand management implementation within Colorado. This workgroup will also coordinate with the PM Team: (1) to help inform the legal and policy questions raised by other workgroups as they investigate specific elements of demand management feasibility within Colorado; and (2) to assist in developing reporting and educational materials.

**Monitoring and Verification* – Research, develop, and test (as needed) various methods available or needed to measure and verify the volume of conserved consumptive use under any demand management program. This workgroup will also work with the PM Team to further examine factors related to lead time, costs and staff resources required to model, pilot or otherwise meaningfully investigate various monitoring and verification considerations for implementing demand management within Colorado.

**Water Rights Administration and Accounting* – Research and test (as needed) various methods or practices available or required to (1) assist in administering water rights as a result of demand management activities within Colorado; and (2) account for volume

of conserved water as it is transported and stored at one of the Colorado River Storage Project's Initial Units. Tasks for this workgroup will include, but not be limited to, examination of unique administration practices and identifying actions that may incentivize or obstruct demand management participation in each water division. This workgroup will also work with the PM Team to further examine factors related to lead time, costs and staff resources required to model, pilot or otherwise meaningfully investigate water rights administration and accounting considerations for implementing demand management within Colorado

**Environmental Considerations* – Research, test (as needed), and identify potential environmental impacts that may need to be considered in any demand management program within Colorado. Tasks for this workgroup will include, but may not be limited to, consideration of existing environmental rules and regulations, and identification of short-term and long-term environmental considerations. This workgroup will also work with the PM Team to note potential environmental mechanisms and considerations that could incentivize or obstruct demand management participation in various parts of the state.

**Economic Considerations* – Research, test (as needed), and identify potential economic impacts that may need to be considered in any demand management program within Colorado. Tasks for this workgroup will include, but may not be limited to, consideration of both primary and secondary economic impacts and short-term and long-term economic considerations. This workgroup will also work with the PM Team to note potential mechanisms and considerations that could economically incentivize or obstruct demand management participation in various parts of the state.

**Funding* – Research, test (as needed), and identify potential funding sources for costs associated with implementation of a demand management program, including but not limited to, costs related to implementation and administration of such program within Colorado.

**Education/Outreach* – Develop public outreach strategies and materials regarding the topic of demand management within Colorado. In addition, this workgroup will coordinate with the PM Team to develop consistent and informative workshops and

presentations that are intended to engage with water rights holders and other interested stakeholders on the topic of demand management.

- iii. **Conduct Workshops** – In addition to utilizing workgroups, the work plan contemplates CWCB staff, with the assistance of the Defense of the Colorado River Subunit at the Attorney General’s Office, regularly developing and conducting public workshops to maintain open lines of communication with the public at large, provide updates and information, and receive feedback and input regarding the status of demand management feasibility investigations involving the state. Such workshops would not take the place of additional outreach efforts deemed helpful to the collaborative process. Instead, they serve to set a meaningful benchmark for which anyone interested can learn and better understand the content and status of feasibility investigations.
- iv. **Evaluate and Report** – This task contemplates the PM Team preparing regular reports to the CWCB on the progress and results of investigations conducted in Calendar Year 2019. These reports may include, but are not to be limited to, noting key findings or gaps in information identified as a result of investigations, and identifying options and issues for the CWCB to consider in formulating the state’s position on demand management feasibility. Also included would be a final status report on the work conducted pursuant to this work plan after Calendar Year 2019 has concluded.
- v. **Project Management** – This task contemplates establishing a PM Team comprised of representatives within the Department of Natural Resources and the Attorney General’s Office to facilitate the work to be conducted consistent with this work plan. To this end, the PM team will coordinate the workgroups and facilitate the distribution of information between workgroups as needed, manage funding for the feasibility investigations, prepare status reports and recommendations for the CWCB, and coordinate with Colorado’s Commissioner and counterparts at the UCRC regarding demand management considerations throughout the Upper Basin.



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Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Brent Newman, Interstate, Federal, & Water Information Section

DATE: September 18, 2019

AGENDA ITEM: 7. Colorado River Drought Contingency Planning and Demand Management Feasibility

This is an informational item, with no formal Board action requested.

Background

Since January 2018, CWCB staff and members of the Attorney General’s Office have been conducting a series of outreach presentations across Colorado regarding drought contingency planning efforts underway in the Colorado River Basin. Consistent with direction from the Board, these efforts have served dual purposes: to educate and inform interested water rights holders and other stakeholders about the status of ongoing efforts to develop drought contingency plans in the Upper and Lower Colorado River Basins, and to solicit feedback from Colorado water users regarding the concept of demand management as a potential tool for avoiding compact administration in the event of continued drought or worsening hydrology.

At the November 15, 2018 Board meeting, the Board unanimously approved “Support and Policy Statements Regarding Colorado River Drought Contingency Plans, Demand Management, and Compact Administration,” which set out the Board’s policy to:

“Develop the state’s position and approach on whether and how to develop any Upper Basin Demand Management Program that could potentially be implemented within Colorado consistent with state law to avoid or mitigate the risk of involuntary compact curtailment and to enhance certainty and security in the Colorado River water supply.”

This policy statement also laid out a strategy for formulating the state’s demand management position, identifying several elements for investigation and vetting through a thorough public review process. The statement also provides initial sideboards for such an investigation, informed by Board discussion and water user input to that point.

At the March 2019 Board meeting, the Board approved a scope of work for the “2019 Work Plan for Intrastate Demand Management Feasibility Investigations.” Since the



July meeting, several ongoing action items pursuant to the Work Plan have been accomplished:

- Demand Management Workgroups have begun meeting in locations across the state.
- CWCB staff participated in a panel at Colorado Water Congress' Summer Conference on the topic of DCP and Demand Management feasibility.
- CWCB staff led the first Regional Workshop in Steamboat Springs following Water Congress.
- CWCB have brought on a new staff member to coordinate ongoing Demand Management feasibility efforts.
- On September 11, CWCB staff will participate in a discussion with the Interim Water Resources Review Committee on the topic of drought contingency planning, Demand Management feasibility investigations, and the implementation of the 2019 Work Plan.

Staff recommendation

This is an informational item, with no formal Board action required. Staff will provide an update of outreach efforts since the July meeting, and discuss progress on elements of the 2019 Work Plan.





2020 Water Quality/ Quantity Committee budget

REVENUE:		2018 budget	2019 budget	2020 budget	Notes:
TOTAL MEMBER DUES:		\$ 160,196.00	\$ 160,196.00	\$ 155,159.00	
	County pledges:	\$ 101,316.00	\$ 101,316.00	\$ 96,541.00	* 2020 budget different reflects Park County's election not to be a member in 2020 at approx. \$5,000. QQ consultants are currently discussing this with Park County, and this outcome could change.
	Municipal pledges:	\$ 42,860.00	\$ 42,860.00	\$ 42,598.00	
	Associate pledges:	\$ 4,244.00	\$ 4,244.00	\$ 4,244.00	
	Water & San District pledges:	\$ 11,776.00	\$ 11,776.00	\$ 11,776.00	
Reimbursed expenses (QQ meeting costs):		\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	
TOTAL:		\$ 162,196.00	\$ 162,196.00	\$ 157,659.00	
EXPENSES:					
	Personnel	\$ 147,497	\$ 147,497	\$ 142,588	* Includes all services in QQ Scope of Work
	Memberships	\$ 2,300	\$ 2,300	\$ 2,300	* Includes CO Water Congress, Water Quality Form, Upper CO River Wild & Scenic Stakeholders Group, email and website fees
	NWCCOG Indirect Costs	\$ 12,399	\$ 12,399	\$ 12,771	
SGS & Jarvis CONTRACT TOTAL		\$ 162,196	\$ 162,196	\$ 157,659	
Unspent contract balance		\$ -	\$ -	\$ -	
DEFENSE FUND BALANCE:		\$ 100,000	\$ 100,000	\$ 100,000	



CONTRACT

Northwest Colorado Council of Governments Water Quality/Quantity Committee
and
Barbara Green for Sullivan Green Seavy, Ethan Mobley for Dynamic Planning + Science, and
Ashley Bembenek for Alpine Environmental Consultants LLC

Year of 2020

This Contract is entered into this Oct. 17, 2019, by and between the Northwest Colorado Council of Governments QQ Committee (hereinafter "QQ") and Barbara Green for Sullivan Green Seavy ("SGS"), Ethan Mobley for Dynamic Planning + Science, and Ashley Bembenek for Alpine Environmental Consultants LLC (hereinafter "SGS, DP+S, and Alpine").

NOW, THEREFORE, the parties mutually agree as follows:

1. **Employment of SGS, DP+S, and Alpine.** QQ hereby agrees to engage SGS, DP+S, and Alpine and SGS, DP+S, and Alpine hereby agrees to perform the services hereinafter set forth.
2. **Scope of Services.** In consideration for moneys to be received from QQ, SGS, DP+S, and Alpine 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, DP+S, and Alpine shall commence January 1, 2020 and shall be undertaken in such a sequence as to assure completion of this Contract by December 31, 2020. After December 31, 2020, the contract may be extended by mutual agreement by both parties on a month to month basis.
4. **Method of Payment.** SGS, DP+S, and Alpine 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, DP+S, and Alpine for work performed.
5. **Compensation.** SGS, DP+S, and Alpine 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, DP+S, and Alpine shall not exceed the maximum dollar amount established in the "Scope of Services" set forth in the attached Exhibit A unless QQ and SGS, DP+S, and Alpine 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, DP+S, and Alpine. Such changes shall be incorporated into a Letter of Agreement between

SGS, DP+S, and Alpine and QQ Chair, Vice-Chair, and Secretary, which shall serve as an amendment to this contract between QQ and SGS, DP+S, and Alpine.

7. Assign-ability. SGS, DP+S, and Alpine 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, DP+S, and Alpine fail to fulfill in a timely and proper manner its obligation under this Contract, or if SGS, DP+S, and Alpine violate any of the terms or conditions of this Contract, QQ shall have the right to terminate this Contract by giving written notice to SGS, DP+S, and Alpine 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, DP+S, and Alpine shall, at the request of QQ, be transmitted to QQ.
9. Termination of Contract by SGS, DP+S, and Alpine. If QQ fails to make payment as herein provided, SGS, DP+S, and Alpine 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, DP+S, and Alpine shall retain all materials and documents not previously given to QQ until an agreement is satisfactorily negotiated between QQ and SGS, DP+S, and Alpine. If SGS, DP+S, and Alpine 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, DP+S, and Alpine and supersedes all prior negotiations, representations, or agreements either written or oral.

IN WITNESS WHEREOF, QQ and SGS, DP+S, and Alpine have executed this agreement on the date written above.

Chairperson _____ Date _____
NORTHWEST COLORADO COUNCIL OF GOVERNMENTS QQ COMMITTEE

Barbara Green _____ Date _____

Ethan Mobley _____ Date _____

Ashley Bembenek _____ Date _____

EXHIBIT A:
NWCCOG/WATER QUALITY AND QUANTITY COMMITTEE
SCOPE OF SERVICES 2020

I. INITIATIVES AND PROJECTS FOR THE YEAR 2020

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

- (1) Facilitate “fact-based” discussions of headwater impacts associated with Front Range growth and the importance of integrating land use planning and water supply planning statewide.
- (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 promote QQ policies and refute misinformation.
- (6) Organize and present information, such as the *Water & Its Impact to the Economies of the Headwaters Counties* report and land use/ water integration guidance documents 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. COLORADO'S WATER PLAN, BASIN ROUNDTABLES AND 1177 PROCESS (Implements Policies I, III, V)

- (1) Track the outcome of any potential legislation as a result of the 1177 process and Colorado's Water Plan that may be counter to Headwater interests.
- (2) Participate in the Colorado Basin Roundtable, IBCC, CWCB Demand Management Workgroups, and other state and regional policy initiatives as time allows, and prepare reports to members as needed when important issues arise.
- (3) Participate in the implementation 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.
- (4) Evaluate opportunities to identify and promote headwaters interests through these initiatives.

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 as time and budget allow.
- (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) Monitor, provide technical assistance and advocate for Headwaters interests in Learning By Doing, Grand Lake Clarity adaptive management processes, and Colorado River Cooperative Agreement implementation.
- (3) 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.
- (4) Assist member jurisdictions in the creation and protection of recreational in-channel diversions.
- (5) Assist members to determine nonconsumptive stream flow needed to protect recreation and environmental values during Colorado River Roundtable process and development of Stream Management Plans.
- (6) Assist member jurisdictions 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 and cons and recommending a QQ position based on QQ policies and member feedback.
- (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 and the strengthened connection between land use and water planning.
- (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) Monitor WQCC and WQCD activities.
- (2) 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 the headwaters.
- (3) Participate in stakeholder meetings and Water Quality Control Division ("WCQD") workgroups related to water quality in the headwaters as time allows.
- (4) Finalize 208 Plan approval by the WQCC. Coordinate with NWCCOG to maintain 208 administrative responsibilities as determined by membership.
- (5) 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.
- (6) Coordinate with Water and Sanitation Districts on issues of interest.
- (7) Represent members in discussions and hearings related to nutrient standards and other rulemakings and assist members in the site-specific standards hearing.

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 Ashley will coordinate to minimize costs to members.)

- (2) Neutralize any objections 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 land use/ water integration guidance 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) Assist QQ members with the development and implementation of water conservation measures outlined in the 2019 *Water Savings Guidance and Model Standards for the QQ Region*.
- (3) 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 (repeated from Water Quality section).

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 WQCC, Colorado Oil and Gas Conservation Commission (COGCC), 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.)

- 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 them 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 \$157,659.00. 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.



COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2021, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2021, for multiple segments in the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River, Regulation #33 (5 CCR 1002-33);
- San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34);
- Gunnison and Lower Dolores River Basins, Regulation #35 (5CCR 1002-35);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Proposed revisions and proposed Statements of Basis, Specific Statutory Authority and Purpose have been submitted by the following:

- Exhibit 1 - Regulation #32, Water Quality Control Division (division);
- Exhibit 2 - Regulation #33, division;
- Exhibit 3 - Regulation #34, division;
- Exhibit 4 - Regulation #35, division;
- Exhibit 5 - Regulation #36, division;
- Exhibit 6 - Regulation #37, division;
- Exhibit 7 - Regulation #38, division;
- Exhibit 8 - Regulation #32, Resurrection Mining Company; and
- Exhibit 9 - Regulation #33, Climax Molybdenum Company.

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to proposed new temporary modifications or current temporary modifications identified in Exhibits 1 through 9, with expiration dates on or before December 31, 2021, will also be considered.

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	9/18/2019 5:00 pm	Additional information below.
Party status requests due	10/2/2019 5:00 pm	Additional information below.

Responsive prehearing statements due	10/16/2019 5:00 pm	Additional information below.
Rebuttal statements due	11/20/2019 5:00 pm	Additional information below.
Last date for submittal of motions	11/22/2019 by noon	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/22/2019 by noon	Send email to cdphe.wgcc@state.co.us with participant(s) name(s)
Prehearing Conference (mandatory for parties)	11/25/2019 3:30 pm	Carson Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Google Hangout: +1 475-441-4506 PIN: 479 724#
Cutoff of negotiations	11/27/2019	N/A
Division's consolidated proposals	12/4/2019	N/A
Rulemaking Hearing	12/9/2019 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wgcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing and rebuttal statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the rebuttal statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call +1 475-441-4506 and enter the PIN: 479 724#.

Following the cut-off date for motions, no motions will be accepted, except for good cause shown.

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wqcc@state.co.us by November 26, 2019.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 12th day of August, 2019 in Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

**BEFORE THE WATER QUALITY CONTROL COMMISSION
STATE OF COLORADO**

**IN THE MATTER OF CONSIDERATION OF THE ADOPTION OF REVISED WATER QUALITY
CLASSIFICATIONS, STANDARDS, AND DESIGNATIONS FOR TEMPORARY MODIFICATIONS IN
REGULATIONS 32-38 (5 CCR 1002-32 ET SEQ.)**

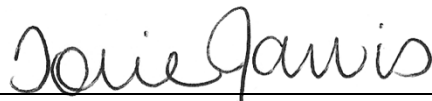
**REQUEST FOR PARTY STATUS FOR THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS
WATER QUALITY/ QUANTITY COMMITTEE**

Northwest Colorado Council of Governments Water Quality/ Quantity Committee (QQ), by and through the undersigned counsel, respectfully request it be given party status to participate in the hearing in the above referenced matter. QQ is interested in proposed changes to temporary modifications under Regulation 33 and the Upper Colorado Basin in particular.

The facts that entitle QQ to be admitted as a party are as follows:

1. QQ's purpose is to protect or improve regional water quality conditions and interests in the headwaters of the Colorado, Yampa, and Gunnison basins, while also providing assistance to member entities impacted by such actions. QQ comprises 42 member local governments who are interested in the proposed temporary modifications or changes to temporary modifications. QQ membership is provided as Attachment 1.
2. NWCCOG is the designated regional water quality management agency for the region and implements the region's water quality management plan ("208 Plan"), in compliance with Section 208 of the Clean Water Act. QQ is interested in ensuring proposals during this rulemaking are consistent with the 208 Plan.

Respectfully submitted this 2nd day of October, 2019.



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ATTACHMENT 1

Northwest Colorado Council of Governments Water Quality/ Quantity Committee Membership 10/02/19

Counties

Eagle County
Grand County
Gunnison County

Pitkin County
Summit County

Municipalities

Aspen
Basalt
Breckenridge
Carbondale
Crested Butte
Dillon
Eagle
Fraser
Granby
Grand Lake

Gypsum
Hot Sulphur Springs
Kremmling
Minturn
Silverthorne
Steamboat Springs
Vail
Winter Park
Yampa

Water and Sanitation Districts

Basalt Sanitation District
Bellyache Ridge Metro District
Copper Mountain Metro Consolidated
District
Dillon Valley Metro District
Eagle River Water and Sanitation District
East Dillon Water District
Fraser Sanitation District
Granby Sanitation District

Grand County Water and Sanitation District
Hamilton Creek Metro District
Mid-Valley Metro District
Silverthorne Dillon Joint Sewer Authority
Silver Creek Water District
Snowmass Water and Sanitation
White Horse Springs Water & Sanitation
Winter Park West Water & Sanitation

Conservation and Conservancy Districts

Colorado River Water Conservation District
Upper Gunnison River Water Conservancy
District