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QQ Meeting Summary
From Nov. 2, 2017
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VISITORS DIALOGUE WITH QQ ON WATER PLAN, STREAM MANAGEMENT PLANS

At QQ's fall quarterly meeting, held November 2nd in Frisco, members learned about implementation of Colorado's Water Plan and about recent Stream Management Planning efforts underway in the QQ region.

Lauren Ris, the newly-named Deputy Director of the Colorado Water Conservation Board (CWCB), provided an update on the Water Plan implementation efforts of the CWCB, including a 2018 grant program from a ten-million-dollar pot of money allocated from the General Assembly. Lauren also highlighted the just-released *Colorado Water Supply Planning and Permitting Handbook*. NWCCOG participated in the formulation of the handbook, with Lane Wyatt and Eagle County Commissioner Kathy Chandler-Henry representing NWCCOG to capture 1041 permitting in the *Handbook*. It is available [at this link](#) and is posted on the QQ homepage, www.nwccog-qq.org.

Lauren invited input as to additional steps or questions QQ members had about the Water Plan implementation. While QQ members voiced appreciate for the good work the CWCB continues to do, members had questions about how the CWCB might continue to add transparency to decision-making around "state endorsement" of a project and about ways to better utilize the criteria in Chapter 9 of the Water Plan. Lauren committed to pass along those concerns and questions as she begins her new job.

QQ also provided Lauren and members an update on its application to the CWCB through the Water Plan grant. QQ proposes to complete an assessment of water quality and water savings measures in member land use codes, as well as to develop model water savings measures for land use codes in the QQ region (to accompany the model water quality performance standards due out at the end of this year), and offer technical assistance to update land use codes for up to five QQ members. Lauren informed QQ that CWCB



Figure 1. Fraser Flats restoration project and tour at recent LBD meeting. More information on p. 4.

staff has reviewed the application, thought it fit well within the goals of the Water Plan and grant process, and had passed the grant application along to the CWCB Board with a favorable recommendation.

QQ members also heard an update on the recent flurry of activity around stream management planning in Colorado, due in large part to the emphasis in Colorado's Water Plan on stream management plans (SMPs) and the subsequent funding for the development of plans. QQ played an instrumental role in the inclusion and subsequent funding of SMPs, and the Colorado Basin continues to be a statewide leader in SMP development.

Nicole Seltzer, who works with the River Network to assist communities in applying for SMP grants, updated members on the many SMPs currently in the works, including on the Eagle River, the Middle Colorado River below Glenwood Springs, the Yampa, and the Roaring Fork. April Long, healthy rivers manager for the City of Aspen, provided a more in depth update of their process and current status, and Seth Mason with Lotic Hydrological provided his perspective after working on many SMPs on the Western Slope (including on the Crystal and San Miguel rivers and data sharing efforts for the Colorado Basin Roundtable).

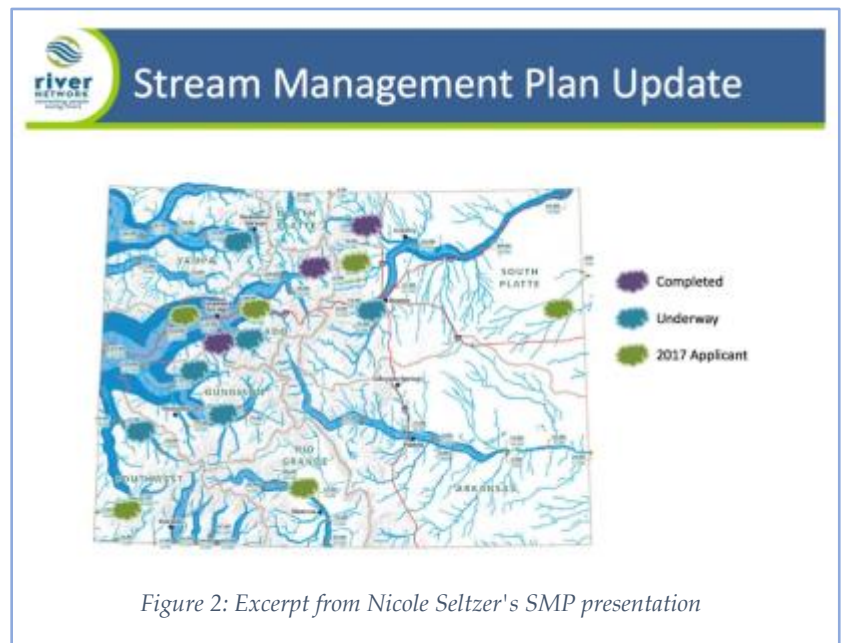


Figure 2: Excerpt from Nicole Seltzer's SMP presentation

Thank you to our guests and members for great conversation!

QQ WATER QUALITY EFFORTS: MOLY PROPOSAL AND HAZARDOUS WASTE TRANSPORT AT THE FOREFRONT

NWCCOG/QQ is participating in a Water Quality Control Commission rulemaking in response to a proposal by Climax Metals to change the statewide molybdenum standards and those that currently apply to Ten Mile Creek and the Williams Fork River. A large stakeholder group that includes QQ and several QQ members as well as other interested parties engaged two toxicology experts to provide an independent evaluation of Climax's proposal. Based upon the experts' analysis, the parties jointly recommended the Commission decline to adopt Climax's proposed standard because of unacceptable levels of uncertainty and risk to classified uses of these streams. Members shared concerns about drinking water supplies downstream of Climax facilities as well as adverse impacts to livestock which are particularly susceptible to molybdenum. We will continue to keep members updated as this rulemaking progresses. The hearing is scheduled for December 12, 2017.

Also, at the QQ meeting, members shared that petroleum representatives are hosting stakeholder discussions about initiating a pilot project that would allow hazardous waste transport through Eisenhower Tunnel, given that a new fire suppression system is in place. However, members voiced concerns because of the risk to several members' drinking water supplies from a hazardous material spill on I-70 as well as economic concerns if an accident in Eisenhower Tunnel ever shut down access between Summit County and Denver Metro area. Note: this idea is only in the discussion phase at this time.

BILLS MOVE FORWARD AS LEGISLATIVE SESSION APPROACHES

The General Assembly's Water Resource Review Committee ([WRRC](#)) convenes every summer for education on water issues and also to consider bills to bring forward as a Committee. The WRRC must vote by a bipartisan supermajority (7/10 votes) to bring a bill forward as a Committee, and WRRC bills do not count towards an individual legislator's bill limit. These bills have not been introduced, and still could change, and thus members do not take positions on bills until the legislative session starts.

The following bills will be presented in the 2018 legislative session on behalf of the WRRC:

- **“Mussel Free Colorado Act.”** This bill would create an Aquatic Nuisance Species (ANS) sticker for motor and sail boats to fund Colorado Parks & Wildlife’s boat inspection program for ANS prevention. Costs would be \$25 for in-state boats and \$50 for out-of-state boats. A long-term solution for funding this program has been a QQ priority in the last couple of years, and, while this bill would not fully fund the program or address issues with CPW prioritization of some reservoirs over others, members generally commented that it would be an incremental important step forward.
- **Additional uses for reclaimed water.** Several bills would add into statute additional uses for reclaimed domestic wastewater water: marijuana cultivation and industrial hemp. Bills adding toilet flushing and food crops as permissible reclaimed uses did not move forward from the Committee.
- **“Incidental” water use for sand and gravel mining mitigation.** Bill would allow the use of groundwater for uses incidental to open mining, including processing and washing, dust suppression, temporary irrigation for revegetation, and other mitigation efforts.
- **CWPDA loan term duration change.** Bill would change the statutory 20-year loan term limit for the CO Water and Power Development Authority to “terms that are agreed upon by the Authority and the borrower.”
- [There may be a bill looking at addressing groundwater issues in eastern Colorado as well.]

There are a handful of other bill topics we expect to see during the 2018 legislative session:

- **Water Plan criteria integrated into DNR processes.** QQ continues to lead discussions on possible legislation that would require DNR to more transparently apply the Water Plan criteria to DNR processes, not just grant applications where it is currently being applied. Those conversations are ongoing and include meetings with DNR, so it is still possible another solution will come forward.
- **Water quality standards not to harm water rights.** Bill was pulled from WRRC consideration. Bill would require the Water Quality Control Commission, when setting water quality standards, to make a finding that any standards that are more stringent than federal standards do not harm existing private property rights. Members highlighted significant concerns over this additional requirement, which could make locally-tailored water quality standards, like the Grand Lake clarity standard, more difficult.
- **Sea plane landings.** For the past several years, sea plane pilots have advocated to legalize sea planes landing in Colorado reservoirs, and their efforts have been defeated in large part because of concerns of ANS contamination. Last year, a pilot program proposal for a limited number of reservoirs also failed. This pilot project idea will come forward again this year.
- **Municipal “Flex” bill.** Bill would allow flexibility in place-of-use for municipal water rights that have already calculated historic consumptive use (HCU). This bill was pulled from consideration from WRRC to address some outstanding issues.
- **Northern mitigation bill.** This bill would be similar to one that failed in the 2017 session. Bill would allow the CWCB to administer a program to shepherd water for environmental purposes (with many additional details not described here). The general concern we shared with the River District last year is that we want to ensure this bill does not preclude other mechanisms for calling water downstream for environmental purposes (like the West Slope efforts for Lower Colorado endangered fish).
- **Bonding and water quality protection for hard rock mining.** Bill is being formulated by environmental groups in Colorado, and seeks to codify existing practices of DRMS that are not explicit in statute. The three possible elements of the bill include: 1.) eliminating a self-bonding option for hard rock mines; 2.) require bonding for water impacts, adding to land impacts currently in statute; and 3.) stating that perpetual water treatment systems will not be allowed as initial proposed mitigation for a new mine permit.
- *Bill possibility, just discussion at this point.* **Allowing hazardous waste transport through Eisenhower Tunnel.** See above description under “QQ Water Quality efforts.”

OTHER QQ ANNOUNCEMENTS

- **COGCC Flowline Rulemaking.** QQ is participating as a party to the Colorado Oil and Gas Conservation Commission's upcoming rulemaking on flowlines, following the deadly flowline explosion in Firestone, CO. QQ participates in COGCC rulemakings to protect existing local authority to regulate for environmental protection, in line with QQ policies. This rulemaking is scheduled for December 11, 2017.
- **Ongoing projects to be completed in 2017.** QQ will complete two major projects in the next few months: 1. The ongoing update of the 1999 Model Water Quality Performance Standards, and 2. Updates to *Water & Its Impact to the Economy of the Headwaters Counties*, focusing on recent accomplishments and climate change impacts to the economy.
- **Sonoran Institute trainings** on land use and water, scheduled for September 26-28, 2018 in Keystone. QQ will continue serving in an advisory planning capacity.
- QQ continues ongoing member support, including:
 - **Upper Colorado Wild & Scenic Stakeholder Group (SG).** Torie represents QQ on the SG as part of the local government interest group along with Eagle, Grand and Summit Counties. Torie also supports the local governments by serving on the Executive Committee, which provides the day-to-day administration of the SG.
 - **Learning By Doing (LBD).** Torie Jarvis and Seth Mason (Lotic Hydrological) continue to provide support to QQ members involved in LBD. Over the summer, LBD completed its first river restoration project on the Fraser River near Tabernash. Fish surveys completed after the restoration showed a 400% increase over fish present before the restoration. Read more about the Fraser Flats project [here](#).
 - **Grand Lake Clarity Adaptive Management Committee.** Each summer this AMC meets weekly to

evaluate real time water quality monitoring in Grand Lake and Shadow Mountain Reservoir and to discuss ongoing operations of the Colorado Big Thompson project and changes that could be employed to help maintain or improve Grand Lake clarity. Lessons learned from this process will inform the evaluation of alternatives for the NEPA analysis (explained below). NWCCOG is a party to the MOU establishing the AMC and participates in the AMC. 2017 saw the Grand Lake clarity maintained above the goals outlined in the MOU, although this was largely due to hydrologic conditions rather than changes in operations, although the Bureau did experiment with operations in response to recommendations from the AMC.

- **Grand Lake Clarity NEPA process.** The Bureau of Reclamation is undertaking a NEPA analysis of operational approaches and structural changes to the Three Lakes portion of the Colorado Big Thompson Project to address clarity problems in Grand Lake. NWCCOG is participating in the process as the 208 Regional Water Quality Planning Agency, as well as supporting involved QQ members.

- **Storage Seminar hosted jointly with the Ruedi Water and Power Authority.** More details to come, to be held in Glenwood Springs in the spring of 2018.
- **QQ continues website development.** While it is certainly a work in progress, check out www.nwccog-qq.org for lots of new information on QQ history and current progress. We'd love to hear any feedback you have.

	Goals/ Triggers	2016	2017
Grand Lake Clarity Running Average Jul- Sep 11 (m)	3.8	3.2 m	3.9 m
Grand Lake Clarity Running Minimum Jul- Sep 11 (m)	2.5	2.4 m	2.71 m
Shadow Mountain Surface pH	8	>8 (8/5-9/5)	>8 (8/8-9/11)
Shadow Mountain Bottom DO (mg/L)	3	Threshold not triggered	Threshold not triggered

Figure 3. Excerpt from Grand Lake AMC presentation to Water Quality Control Commission, October of 2017.

Thank you and, as always, please do not hesitate to reach out with questions, concerns, or issues QQ should know about (qqwater@nwccog.org) !