



WATER QUALITY / QUANTITY COMMITTEE (QQ)

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Comments from NWCCOG/ QQ SB 14-115 Legislative Hearing on the Colorado Water Plan: Colorado Basin August 12, 2015

The Water Quality and Quantity Committee (QQ) comprises municipalities, counties, water and sanitation districts, and conservancy districts in the headwaters region of Colorado located in Grand, Summit, Eagle, Pitkin, Park and Gunnison counties. QQ's purpose is to facilitate and augment the efforts of member jurisdictions to protect and enhance the region's water quality while encouraging its responsible use for the good of Colorado citizens and the environment.

In the QQ region, 16 transmountain diversions (TMDs) collectively divert an average of 511,700 acre-feet of water to the East Slope (with thousands more acre-feet to be diverted through already-planned projects). Many existing TMDs were developed without appropriate mitigation. The environmental damage is still being addressed today.

On the other hand, QQ members have successfully negotiated agreements with Front Range water providers that protect and benefit West Slope water resources while honoring the needs of the water supplier—including Eagle River MOU, the negotiated agreement and 1041 permit for Windy Gap Firming Project, the CRCA, Wolford Reservoir joint operations, and proposed mitigation for Moffat expansion.

We offer the following comments on the Colorado Water Plan based on these experiences:

1. The Water Plan examines ways to make the permitting process for new water projects more efficient. This is important across the state, and we think that dusting off the **joint review process** as it was proposed in the 1970s is something that the Water Resource Review Committee could support. A joint review process offers three benefits:
 - a) Local affected interests are at the table from the beginning, before NEPA begins, and can express local concerns as well as mitigation concepts at the earliest possible time;
 - b) The NEPA process is less onerous with joint review because the reports and studies can focus on the real concerns instead of hypothetical concerns; and
 - c) Agencies with regulatory authority will be discussing their concerns and can avoid imposing duplicative requirements on the applicant.

2. The Water Plan recommends potential state endorsement of a project to make permitting more efficient. We have several concerns with this proposal:
 - a) State endorsement of a project without first requiring local approval of a project could create the situation where the State advocates for a project before local permitting processes occur or even after a local government denies permits for a project.
 - b) Tying state endorsement and preliminary § 401 certification to the Draft Environmental Impact Statement (EIS) would make it harder for the State to change or deny certification later based on the more complete and accurate Final EIS, and based on its own processes such as the anti-degradation review.

3. Some sections of the Water Plan call for the state to consider funding or filing for water rights for future water projects, including a future new TMD. This is not the proper role for the State and should not be part of the Colorado Water Plan. **The State should not assume a role as a proponent of a water project until the State regulatory process has been completed and the project has been agreed to by the impacted counties, conservancy districts and conservation districts in the area from which water would be diverted.**

We look forward to working with the General Assembly to implement recommendations in the Water Plan.

Visit NWCCOG-QQ.org for more information on QQ.