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COLORADO WATER QUALITY CONTROL COMMISSION
STATE OF COLORADO
PROPONENTS PREHEARING STATEMENT
WILDEARTH GUARDIANS
REVISIONS TO REGULATION 37 (5 CCR 1002-37) LOWER COLORADO RIVER BASIN.

WildEarth Guardians (Guardians) submits the following Proponent's Prehearing Statement in the above captioned matter.

A. STATEMENT OF ISSUES TO BE RESOLVED

Whether existing water quality is adequate to allow the application of an Outstanding Water (OW) designation to four new stream segments on United States Forest Service (USFS) lands in the Lower Colorado River Basin. The proposed segments are pristine water sources and designated Critical Cutthroat Trout Habitat by the State of Colorado resulting in outstanding ecological and recreational values. The added protection is necessary because of ongoing activities authorized on the federal lands that impact this cutthroat trout habitat, the inability of state agencies to regulate federal lands and trout habitat as well as climate change.

A. Proposal of WildEarth Guardians

WildEarth Guardians proposes that the Commission resegment those portions of the waters named below that are wholly on USFS lands and designate those stream segments as OW based on the existing quality of water that exceeds Table Value Standards and their "exceptional recreational or ecological significance." Data obtained by WildEarth Guardians demonstrate that these waters meet all the requirements for this designation based on Commission Regulations 31.8(2)(a). (See Exhibit A).

Based on evidence that shows that water quality meets the requirements of 31.8(2)(a) the OW designation is proposed for the below segments that all fall within USFS lands. (See Exhibit B).

- Lower Yampa River/Green River Segment 9b: The mainstem of South Fork of the Williams Fork, including all wetlands and tributaries, which are within the Routt National Forest was moved to the new Segment 9b.

- Lower Yampa River/Green River Segment 12c: The mainstem of Beaver Creek, including all wetlands and tributaries, which are within the Routt National Forest, was moved to the new Segment 12c.

- White River Segment 4b: The mainstems of Lost Creek, Snell Creek and Fawn Creeks, including all wetlands and tributaries, from the Flat Tops Wilderness area to the boundary of the White River National Forest, was moved to the new Segment 4b.

- White River Segment 10c: North Elk Creek, including all wetlands and tributaries, from its source to the White River National Forest boundary, was moved to the new Segment 10c.

B. Background

Colorado is a headwaters state with four of the nation's great rivers originating in the Rocky Mountains of Colorado. The pristine water provided by Colorado's national forests is priceless and the forests themselves are of great beauty, prized for their ecological and recreational value. Fishing in particular is a large contributor of jobs and income to the state of Colorado.[1] According to the U.S. Fish And Wildlife National Survey of Fishing, Hunting, and Wildlife-Associated Recreation there were 767,000 anglers in 2011 with an equivalent of $648,563,000 in expenditures. Of particular value to Colorado's anglers is the Colorado River cutthroat, which has been called one of the most spectacular of the cutthroat trout and one of the most beautiful fish in North America.

The Colorado River cutthroat trout historically occupied most cool water habitats of the Colorado River watersheds but is now limited to 11% of its estimated historic range, primarily in isolated, small headwater streams.[2] Cutthroat trout are under siege from a number of threats; the most serious are habitat loss and degradation, caused by dams, livestock grazing, roads, logging, mining, water withdrawal, and increasingly, climate change. Like all trout, Colorado River cutthroats require cold, clear, unobstructed water – a more and more scarce commodity. The cutthroat is also threatened by competition and hybridization with nonnative fish, as well as parasitic infections

[1] 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation—Colorado U.S. Fish and Wildlife Service and U.S. Census Bureau. http://www.census.gov/prod/2013pubs/fhw11-co.pdf

[2] Hirsch, C.L., M.R. Dare, and S.E. Albeke. 2013. Range-wide status of Colorado River cutthroat trout (Oncorhynchus clarkii pleuriticus): 2010. Colorado River Cutthroat Trout Conservation Team Report. Colorado Parks and Wildlife, Fort Collins. http://cpw.state.co.us/Documents/Research/Aquatic/CutthroatTrout/CRCTRangewideAssessment-08.04.2013.pdf

The waters proposed for outstanding designation in this proposal are designated Critical Cutthroat Trout Habitat by the State of Colorado.[3] In addition, the proposed segments are historic habitat as well conservation populations as defined in the "Range-wide status of Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*): 2010." See Exhibit B.

The added protection is necessary because of ongoing activities authorized on the federal lands that impact this cutthroat trout habitat, the inability of state agencies to regulate federal lands and trout habitat as well as climate change.

State agencies are challenged in the recovery of the Colorado River cutthroat trout in part because the majority of populations and habitat for the trout occur on Federal lands, where the states lack administrative control to affect management of habitat. Logging, livestock grazing, off road vehicle use and water diversion remain the dominant uses of watersheds on Forest Service lands within the range of the Colorado River cutthroat and are continuing to cause habitat degradation and loss, which the states have no jurisdiction to stop. The proposed outstanding designation asserts the state's authority to regulate cutthroat trout critical habitat.

The quality of water in Colorado's undeveloped or "roadless" forests is exceptional. These healthy forest ecosystems continually capture, store and filter water. Water from these forests flows to towns, cities and farms providing clean water for drinking, irrigation and wildlife uses. As well as supporting human activities, clean waters provide irreplaceable habitat for numerous plant and animal species.

> "Colorado's Roadless Areas are of great importance to the people of Colorado and the Nation. These magnificent landscapes provide a variety of resources and open space opportunities for all Americans. They provide the setting and backdrop for recreational experiences of all kinds, including nonmotorized and/or motorized recreational trail use. <u>They are sources of clean and safe public drinking water</u>. They contain intact habitat for species dependent on large, undisturbed areas of land. The scenic quality of these naturally appearing landscapes is among the highest in the Nation. These areas serve as bulwarks against the spread of nonnative invasive plant species and provide reference areas for study and research. The USDA, Forest Service, and State consider these areas an important component of the NFS and are committed to the conservation and protection of Colorado Roadless Areas (CRAs)."[4] (Emphasis Added).

[3] Data compiled for the Colorado Oil and Gas Conservation Commission in response to HB1298 by the former Colorado Division of Wildlife, a division of the Colorado Department of Natural Resources.

[4] Federal Register Vol. 76, No. 73. April 15, 2011: 21272-21294.

One of the nine roadless area characteristics described for Colorado in the Final EIS for Rulemaking for Colorado Roadless Areas is[5]

- **Habitat for threatened, endangered, proposed, candidate, and sensitive species, and for those species dependent on large, undisturbed areas of land**. Roadless areas function as biological strongholds and refuges for many species, including terrestrial and aquatic plant and animal species. Many of the nation's species currently listed as threatened, endangered, or proposed for listing under the Endangered Species Act, and those listed by the Forest Service as sensitive, might have habitat within roadless areas.

Many of Colorado's native plants and animals find refuge in Forest Service roadless areas and Wilderness areas, where ecosystems remain relatively undisturbed, including Colorado's native trout.[6] Sixty-two percent of remaining strong and conservation populations of Colorado River cutthroat trout are found in roadless areas, including those in wilderness, wilderness study areas, and national parks.[7]

The roadless areas in which the proposed OW segments are located is described here from the USFS Colorado Roadless Rule website.[8]

- Lower Yampa River/Green River Segment 9b: The mainstem of South Fork of the Williams Fork, including all wetlands and tributaries, which are within the Routt National Forest was moved to the new Segment 9b.

- Lower Yampa River/Green River Segment 12c: The mainstem of Beaver Creek, including all wetlands and tributaries, which are within the Routt National Forest, was moved to the new Segment 12c.

- White River Segment 4b: The mainstems of Lost Creek, Snell Creek and Fawn Creeks, including all wetlands and tributaries, from the Flat Tops Wilderness area to the boundary of the White River National Forest, was moved to the new Segment 4b.

  The proposed South Fork Williams Fork, Beaver Creek, Lost Creek, Snell Creek and Fawn Creek OW segments are in the Pagoda Peak CRA and IRA. The majority of the Pagoda Peak area is in Rio Blanco County, with a very small amount overlapping into Garfield County along its southeast boundary. The

[5] http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5365953.pdf
[6] USDA Forest Service 2011. Rulemaking for Colorado Roadless Areas Revised Draft Environmental Impact Statement.
[7] Western Native Trout Campaign 2001. Imperiled Western Trout and the Importance of Roadless Areas. November 2001.
http://www.westerntrout.org/trout/Reports/roadless.htm
[8] http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5291672.pdf

Blanco Ranger District administers it. Elevations range from 8,100 feet to 11,120 feet at the top of Pagoda Peak. The terrain is roughly broken, dissected by several drainages and ranges in character from flat, open parks and rolling valley floors to very steep slopes and high ridges. The unit is covered with extensive stands of aspen, with its associated understory vegetation, interspersed with open parks. The upper reaches of the drainages are covered with stands of spruce/fir. The CRA contains potential habitat for the federally listed Canada lynx, and potential habitat for the following Forest Service Sensitive Species: wolverine, marten, pygmy shrew, Northern goshawk, boreal owl, olive-sided flycatcher, flammulated owl, and American 3-toed woodpecker. A genetically pure natural production stream of Colorado River cutthroat trout occurs within the CRA. The Pagoda Peak CRA provides high quality elk habitat (production, summer range, migration route); it encompasses part of the elk production for the White River herd. The area around Pagoda Peak is also a key elk production area. Parts of the CRA are in a major migration route (from the Flat Tops Wilderness to Maybell, Colorado). This CRA provides habitat needs for bald eagles (high quality summer foraging), black bear (summer concentration, high quality summer forage), mule deer (production, summer range), and many avian and small mammal species. The area offers undeveloped, high quality natural scenic values with its variety of trees and open park vegetation. This CRA is used primarily by hunters, with moderate levels of summer use by hikers, horseback riders, and mountain bikers. Moderate to high levels of winter use (snowmobile) also exist. Motorcycle and ATV use has historically been allowed on certain trails. This CRA is within a state defined source water assessment area (municipal water supply). There are no private lands within this area and no active mining claims at this time. Some of area is currently under lease for oil and gas development but there are no active mining or oil/gas drilling operations at this time. Historically there has been uranium exploration and several gold placer mining claims.

- White River Segment 10c: North Elk Creek, including all wetlands and tributaries, from its source to the White River National Forest boundary, was moved to the new Segment 10c.

  The North Elk Creek proposed OW segment is in the 9,900-acre North Elk CRA. The North Elk area is in Rio Blanco County approximately 20 air miles southeast of Meeker, Colorado. The Blanco Ranger District administers it. Elevations range from 600 feet to 10,000 feet. The area is typical of the Flat Tops area with ridge tops being flat and wide and steep slopes falling to the drainages below. The elevation range covers different vegetation types which is typical the of mesa-canyon topology. It contains approximately ten miles of the various forks of North Elk Creek. This area contains a wide variety of vegetation. It ranges from sage brush, oak brush, scattered ponderosa pine and Douglas-fir at the lower elevations to Engelmann spruce and subalpine

fir at higher elevations. Open grassland meadows are throughout the area. This CRA provides a large, unfragmented, and undisturbed area essential for maintaining the ecological health and diversity of habitats required by many wildlife species. The CRA contains potential habitat for the federally listed Canada lynx, and potential habitat for the following Forest Service Sensitive Species: wolverine, marten, fringed myotis, Northern goshawk, boreal owl, northern harrier, olive-sided flycatcher, loggerhead shrike, flammulated owl, American 3-toed woodpecker, and purple martin. Colorado River cutthroat trout is found in three forks of North Elk Creek. The area provides valuable summer habitat for deer and elk, with the northern most portion providing a minor amount of winter habitat during mild winters. The North Elk CRA provides habitat needs for black bear, the White River elk herd, wild turkey, mule deer, mountain lion, as well as many avian and small mammal species. Though activities have occurred in the past and certain activities such as grazing and hunting continue to occur; Soils, water, and air in the area remain in good condition. Water at the spring source is of good quality, but is diverted for use. The northern portion of the area receives a moderate amount of motorized use, including all-terrain vehicles and motorcycles.

Large numbers of elk can be found in the area, which attracts big game hunters. Most of the activity in the CRA occurs during the fall hunting season. Snowmobile use occurs during the winter. The remainder of the area is for the most part non-motorized. Hiking, fishing, and big game viewing are the popular activities for the area. There are outfitters that utilize the area during hunting season.

There are four parcels of private land, located in the northern most portion of the area. All of the private land is accessible by roads and the private land is serviced by power and telephone utilities. One of the parcels is an exclusive guest ranch, one contains several cabins for guest use, one is a cow camp, and the last contains summer residences. The northern most portion of the area contains a power and telephone right of way. The CRA contains active grazing allotments throughout for both cattle and sheep. Range developments include stock ponds, spring development, and fences. There are two water developments within the CRA. Gilly Lake is a small special use water storage facility used to replenish the reservoirs on the Seven Lakes Lodge, on private property located just outside the southern boundary of CRA. Additionally, a pipeline runs from Big Ridge to the Smizer Gulch and fills stock ponds in an effort to better distribute grazing use throughout the area. There are no active mining operations in the area and there is low potential for mineral development. Prospect Draw, one drainage in the CRA, is named because of old gold mining operations still evident. Traditionally the area has had previous timber activity, however little or no evidence exists at this time.

The added protection is necessary because of ongoing activities authorized on the federal lands that impact this cutthroat trout habitat, the inability of state agencies to regulate federal lands and trout habitat as well as climate change. Clean water is a precious natural resource that must be protected as our population grows and climate changes. Protecting the state's cleanest waters from further degradation by designation as Outstanding Waters will establish a foundation for the long-term restoration and preservation of Colorado's waters. Climate change presents new threats to Colorado's pristine waters and reduced spring runoff can concentrate pollutants. It is prudent and cautious for the state to designate these waters as outstanding in the face of uncertain changes to water quality and quantity associated with climate change.

Because of their pristine nature, excellent water quality and importance to Colorado's future drinking water supplies, and existing ecological and recreational values, these waters should be designated as Outstanding Water. Any degradation could impair these waters and therefore require protection in addition to that provided by the combination of water quality classifications and standards and the protection afforded reviewable water under section 31.8(3).

The lands in which the proposed OW segments are located are all federal USFS managed. Towards an open and transparent process, Guardians has met with some stakeholders in the Lower Colorado River Basin. (See Exhibit C & D).

C. Relevant Regulatory Provisions and Use Attainability Analyses

Section 31.8(2)(a) allows that a stream segment may be classified as an "Outstanding Water" if conditions are met. The water quality in these stream segments meets the 12 parameter test as described in Section 31.8(2)(a)(ii)(A).

Section 31.8(2)(a)(ii)(A) allows for an Outstanding Water designation if the Commission determines that the water have an exceptional recreation or ecological significance, and have not been modified by human activities in a manner that substantially detracts from their value as a natural resource.

I. Potential Witnesses

Guardians may call the following witnesses to the June 2014 Rulemaking Hearing:

Kurt Menke, Birds Eye View GIS
Bryan Bird, Biologist, WildEarth Guardians

Submitted March 14, 2014

Bryan Bird, M.S.
WildEarth Guardians

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REVISIONS TO REGULATION 37 (5 CCR 1002-37) LOWER COLORADO RIVER BASIN.

EXHIBIT A

WATER QUALITY DATA

Lower Colorado River Basin Sampling Methodology

Organization Formal Name: WildEarth Guardians
Organization Contact: Bryan Bird
Email: bbird@wildearthguardians.org
Phone: 505.699.4719
Organization Address: 516 Alto Street, Santa Fe, NM 87501
Project ID: WG_2014_RMH_Data
Project Name: WG_ONRW

Project Description: Six (6) surface water-sampling stations were established between December 4th, 2012 and December 6th, 2012 in the Lower Colorado River Basin. Sampling events occurred three times: December 2012, June 2013 and October 2013. All samples were collected during normal conditions on days with no local precipitation and represent existing conditions.

Sampling Methodology: All samples were collected according to the protocol described in the "Standard Operating Procedures for the Collection of Water Samples"[1] by an experienced and qualified water sampler to ensure that scientifically sound water quality monitoring data was collected. Sample locations were photographed from upstream and downstream and a GPS location was recorded.

Water chemistry samples at each station were collected by taking a "grab" sample from the stream thalweg in a sampling container that was used to rinse (neutral containers only) and fill all sample bottles. Dissolved metals samples were filtered through D.I. water wetted 0.45 uM Cellolose Acetate filter after running at least 50 ml of sample as waste before sample containers were filled. Sample containers were obtained from Accutest Laboratories, Wheat Ridge, CO prior to visiting the field. Containers included the following:

- Nutrient containers preserved with H_2SO_4
- Neutral containers with no preservative
- Dissolved metals containers preserved with HNO_3
- Sterilized E. coli containers

Sample bottles were immediately labeled with the Sample ID, sample date, sample time, and other necessary sample information. Sample containers were placed in a cooler and stored on ice immediately after collection and remained there until laboratory dropoff. Samples were dropped off at the laboratory with appropriate Chains of Custody.

Field measurements for pH, temperature, and dissolved oxygen were collected from the stream thalweg in a sampling container and were measured at the same time water chemistry samples were collected. Field measurements were made using a model YSI 556 MultiProbe meter that had been previously calibrated by Geotech Environmental Equipment , Inc. All field measurement readings and general observations were entered into monitoring field log.

A duplicate QA/QC sample was collected and field measurements were repeated at one of the eight sample locations.

[1] Colorado Department of Public Health and Environment, Water Quality Control Division, Environmental Data Unit, May 2010

Laboratory Methodology: All water chemistry samples were analyzed by Accutest Laboratories, a State of Colorado certified lab, in Wheat Ridge, CO with the exception of E. coli, which was analyzed by Industrial Laboratories in Wheat Ridge, CO.[2] All samples were analyzed within their required analytical holding times.

Sample analysis methodology was completed by the laboratory as follows:

- Ammonia: 4500-NH3(D)
- Nitrogen, Nitrate + Nitrite: 353.2
- Total suspended solids: 2540-D
- E. coli: 9223-B
- Dissolved Cadmium: 200.8(W)
- Dissolved Copper: 200.7(W)
- Dissolved Lead: 200.8(W)
- Dissolved Manganese: 200.7(W)
- Dissolved Selenium: 200.8(W)
- Dissolved Silver: 200.8(W)
- Dissolved Zinc: 200.7(W)
- Hardness, Total as CaCO3

[2] http://www.accutest.com/

Field sampling data were obtained from the Mountain States Accutest Laboratories. The acute and chronic in stream standards were obtained from Water Quality Control Division of the Colorado Department of Public Health and Environment The standards are based on water hardness, water temperature and pH. Microsoft Excel was used to calculate the in stream standards for each Outstanding Natural Resource Water criteria: ammonia, cadmium, copper, lead, manganese, silver, and zinc. The geomean for E. Coli was also computed.

Criteria	**Standard Calculated**	**Formula**
Ammonia	Acute	AmmSa =(0.275/(1+10^(7.204-pH)))+(39/(1+10^(pH-7.204)))
Ammonia	Chronic	AmmSc =((0.0577/(1+10^(7.688-pH)))+(2.487/(1+10^(pH-7.688))))* =MIN(2.85,1.45*10^(0.028*(25-TEMPERATURE)))
Cadmium	Acute	CdTVSaW = (1.136672 - (LN(HARDNESS) * 0.041838)) * Exp(0.9151 * LN(HARDNESS) - 3.1485)
Cadmium	Chronic	CdTVSc = (1.101672 - (LN(HARDNESS) * 0.041838)) * Exp(0.7998 * LN(HARDNESS) - 4.4451)
Copper	Acute	CuTVSa = Exp(0.9422 * LN(HARDNESS) - 1.7408)
Copper	Chronic	CuTVSc = Exp(0.8545 * LN(HARDNESS) - 1.7428)
Lead	Acute	PbTVSa = (1.46203 - (LN(HARDNESS) * 0.145712)) * Exp(1.273 * LN(HARDNESS) - 1.46)
Lead	Chronic	PbTVSc = (1.46203 - (LN(HARDNESS) * 0.145712)) * Exp(1.273 * LN(HARDNESS) - 4.705)
Manganese	Acute	MnTVSa = Exp(0.3331 * LN(HARDNESS) + 6.4676)
Manganese	Chronic	MnTVSc = Exp(0.3331 * LN(HARDNESS) + 5.8743)
Silver	Acute	AgTVSa = 0.5 * Exp(1.72 * LN(HARDNESS) - 6.52)
Silver	Chronic	AgTVScW = Exp(1.72 * LN(HARDNESS) - 9.06)
Silver	Chronic Trout	AgTVScC = Exp(1.72 * LN(HARDNESS) - 10.51)
Zinc	Acute	ZnTVSa = 0.978 * Exp(0.8525 * LN(HARDNESS) + 1.0617)
Zinc	Chronic	ZnTVSc = 0.986 * Exp(0.8525 * LN(HARDNESS) + 0.9109)
Zinc	Chronic Sculpin	ZnTVSsculpin = Exp(2.227 * LN(HARDNESS) - 5.604)

	pH	Water Temperature	Dissolved Oxygen (mg/L)	E. Coli (#/100mL water)	^Un-ionized Ammonia (mg/L)	Nitrate + Nitrite (mg/L)	Dissolved Cadmium (µg/L)	Dissolved Copper (µg/L)	Dissolved Lead (µg/L)	Dissolved Manganese (µg/L)	Dissolved Selenium (µg/L)	Dissolved Silver (µg/L)	Dissolved Zinc (µg/L)	Suspended Solids (mg/L)
Lower Yampa River/Green River, Segment 9B - 200-53.6 SF Williams														
Number of Samples	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Maximum Value	8.1	12.5	11.6	66.0	non-detect	non-detect	non-detect	non-detect	non-detect	8.3	non-detect	non-detect	non-detect	320.0
Geomean	N/A	N/A	N/A	14.4	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Instream Acute Standard	6.5 - 9.0	N/A	>6.0 mg/L	205/100ml	<8.4 mg/L	<10 mg/L	<3.5 µg/L	<17.4 µg/L	<86.8 µg/L	<3,269.4 µg/L	<4.6 ug/L	<3.2 µg/L	<180.9 µg/L	N/A
Instream Chronic Standard	N/A	N/A	N/A	N/A	<3.2 mg/L	N/A	<0.5 µg/L	<11.3 µg/L	<3.4 µg/L	<1,806.4 µg/L	N/A	<0.5 µg/L	<156.8 µg/L	N/A
Instream Chronic Trout Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<0.12 µg/L	N/A	N/A
Instream Chronic Sculpin Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<192.2 µg/L	N/A
Laboratory Detection Limits					0.1 mg/L	0.1 mg/L	0.2 µg/L	10 µg/L	1 µg/L	5 µg/L	0.8 µg/L	0.2 µg/L	30 µg/L	5 mg/L
Lower Yampa River/Green River, Segment 12C - 203-18.3 Beaver Creek														
Number of Samples	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Maximum Value	8.0	10.8	11.6	12.0	non-detect	non-detect	non-detect	non-detect	non-detect	non-detect	non-detect	non-detect	non-detect	6.0
Geomean	N/A	N/A	N/A	2.9	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Instream Acute Standard	6.5 - 9.0	N/A	>6.0 mg/L	205/100ml	<7.1 mg/L	<10 mg/L	<3.1 µg/L	<15.5 µg/L	<76.1 µg/L	<3,140.0 µg/L	<4.6 ug/L	<2.6 µg/L	<163.1 µg/L	N/A
Instream Chronic Standard	N/A	N/A	N/A	N/A	<2.9 mg/L	N/A	<0.5 µg/L	<10.2 µg/L	<3.0 µg/L	<1,734.8 µg/L	N/A	<0.4 µg/L	<141.4 µg/L	N/A
Instream Chronic Trout Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<0.097 µg/L	N/A	N/A
Instream Chronic Sculpin Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<146.7 µg/L	N/A
Laboratory Detection Limits					0.1 mg/L	0.1 mg/L	0.2 µg/L	10 µg/L	1 µg/L	5 µg/L	0.8 µg/L	0.2 µg/L	30 µg/L	5 mg/L
White River, Segment 4b - 201-18.0 Lost Creek														
Number of Samples	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Maximum Value	8.1	10.0	12.0	33.0	non-detect	non-detect	non-detect	non-detect	non-detect	30.0	1.2	non-detect	non-detect	20.0
Geomean	N/A	N/A	N/A	19.9	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Instream Acute Standard	6.5 - 9.0	N/A	>6.0 mg/L	205/100ml	<10.2 mg/L	<10 mg/L	<3.7 µg/L	<18.8 µg/L	<94.9 µg/L	<3,360.6 µg/L	<4.6 ug/L	<3.7 µg/L	<194.1 µg/L	N/A
Instream Chronic Standard	N/A	N/A	N/A	N/A	<3.4 mg/L	N/A	<0.6 µg/L	<12.1 µg/L	<3.7 µg/L	<1,856.7 µg/L	N/A	<0.6 µg/L	<168.3 µg/L	N/A
Instream Chronic Trout Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<0.138 µg/L	N/A	N/A
Instream Chronic Sculpin Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<231.0 µg/L	N/A
Laboratory Detection Limits					0.1 mg/L	0.1 mg/L	0.2 µg/L	10 µg/L	1 µg/L	5 µg/L	0.8 µg/L	0.2 µg/L	30 µg/L	5 mg/L
White River, Segment 4b - 202-16.8 Snell Creek														
Number of Samples	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Maximum Value	7.8	6.4	12.4	2.0	non-detect	non-detect	non-detect	non-detect	non-detect	non-detect	non-detect	non-detect	non-detect	non-detect
Geomean	N/A	N/A	N/A	2.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Instream Acute Standard	6.5 - 9.0	N/A	>6.0 mg/L	205/100ml	<20.5 mg/L	<10 mg/L	<1.3 µg/L	<6.0 µg/L	<25.3 µg/L	<2,248.2 µg/L	<4.6 ug/L	<0.5 µg/L	<69.4 µg/L	N/A
Instream Chronic Standard	N/A	N/A	N/A	N/A	<5.1 mg/L	N/A	<0.2 µg/L	<4.3 µg/L	<1 µg/L	<1,242.1 µg/L	N/A	<0.07 µg/L	<60.1 µg/L	N/A
Instream Chronic Trout Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<0.017 µg/L	N/A	N/A
Instream Chronic Sculpin Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<15.7 µg/L	N/A
Laboratory Detection Limits					0.1 mg/L	0.1 mg/L	0.2 µg/L	10 µg/L	1 µg/L	5 µg/L	0.8 µg/L	0.2 µg/L	30 µg/L	5 mg/L
White River, Segment 4b - Fawn Creek														
Number of Samples	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Maximum Value	8.0	10.8	12.0	13.0	non-detect	0.1	non-detect	non-detect	non-detect	24.0	non-detect	non-detect	non-detect	9.0
Geomean	N/A	N/A	N/A	5.1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Instream Acute Standard	6.5 - 9.0	N/A	>6.0 mg/L	205/100ml	<14.8 mg/L	<10 mg/L	<3.5 µg/L	<17.3 µg/L	<86.4 µg/L	<3,264.5 µg/L	<4.6 ug/L	<3.2 µg/L	<180.2 µg/L	N/A
Instream Chronic Standard	N/A	N/A	N/A	N/A	<3.9 mg/L	N/A	<0.5 µg/L	<11.3 µg/L	<3.4 µg/L	<1,803.6 µg/L	N/A	<0.5 µg/L	<156.2 µg/L	N/A
Instream Chronic Trout Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<0.119 µg/L	N/A	N/A
Instream Chronic Sculpin Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<190.3 µg/L	N/A
Laboratory Detection Limits					0.1 mg/L	0.1 mg/L	0.2 µg/L	10 µg/L	1 µg/L	5 µg/L	0.8 µg/L	0.2 µg/L	30 µg/L	5 mg/L
White River, Segment 10c - 61-21.8 Elk Creek														
Number of Samples	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Maximum Value	8.5	14.5	11.1	6.0	non-detect	non-detect	non-detect	non-detect	non-detect	6.0	1.7	non-detect	non-detect	non-detect
Geomean	N/A	N/A	N/A	3.5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Instream Acute Standard	6.5 - 9.0	N/A	>6.0 mg/L	205/100ml	<6.9 mg/L	<10 mg/L	<8.5 µg/L	<46.0 µg/L	<258.7 µg/L	<4,613.7 µg/L	<4.6 ug/L	<19.2 µg/L	<436.7 µg/L	N/A
Instream Chronic Standard	N/A	N/A	N/A	N/A	<2.6 mg/L	N/A	<1.1 µg/L	<27.4 µg/L	<10.1 µg/L	<2,549.1 µg/L	N/A	<3.0 µg/L	<378.6 µg/L	N/A
Instream Chronic Trout Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<0.7 µg/L	N/A	N/A
Instream Chronic Sculpin Standard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<1,922.5 µg/L	N/A
Laboratory Detection Limits					0.1 mg/L	0.1 mg/L	0.2 µg/L	10 µg/L	1 µg/L	5 µg/L	0.8 µg/L	0.2 µg/L	30 µg/L	5 mg/L

COLORADO WATER QUALITY CONTROL COMMISSION
STATE OF COLORADO
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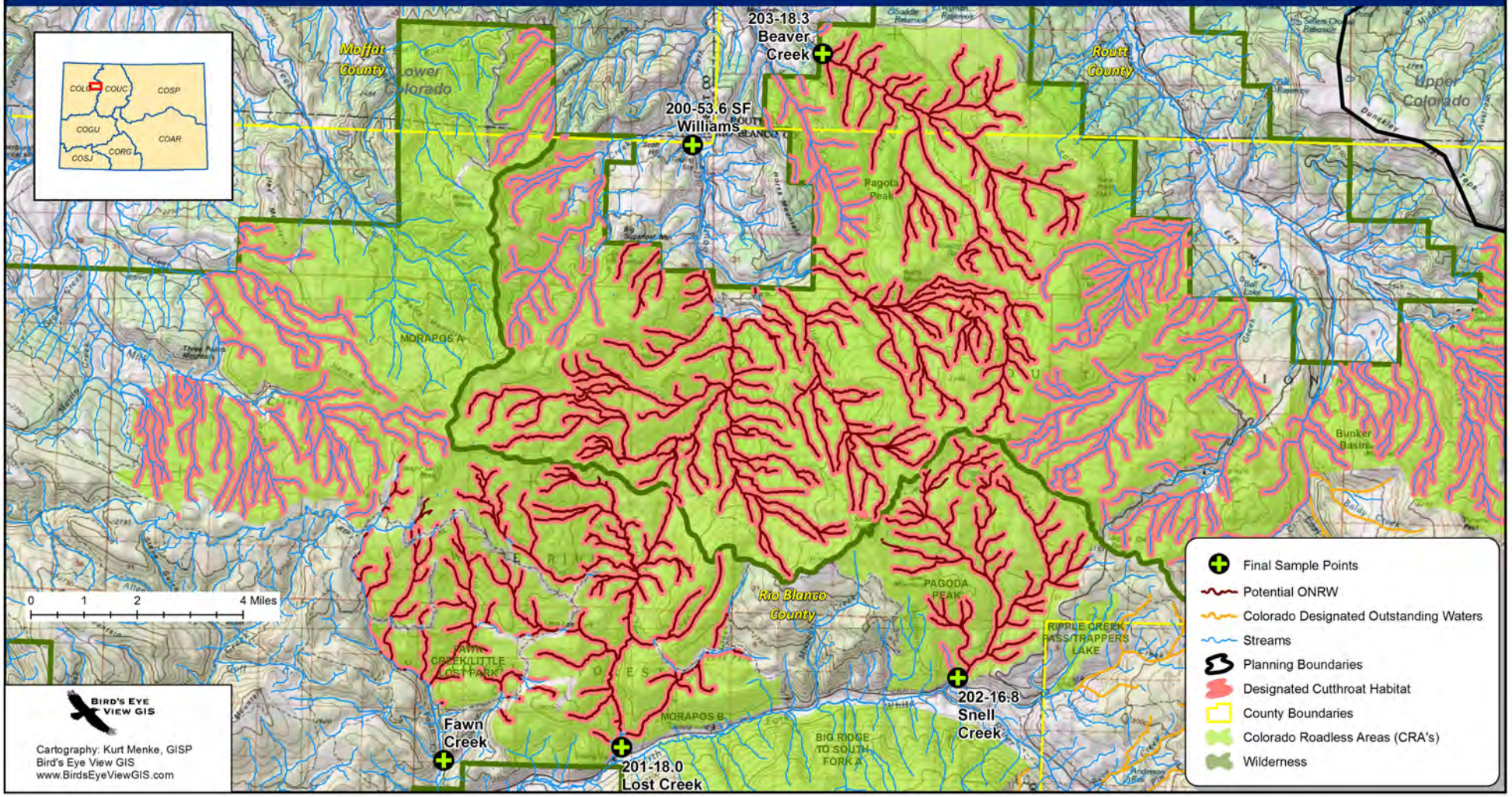
WILDEARTH GUARDIANS
REVISIONS TO REGULATION 37 (5 CCR 1002-37) LOWER COLORADO RIVER BASIN.

EXHIBIT B

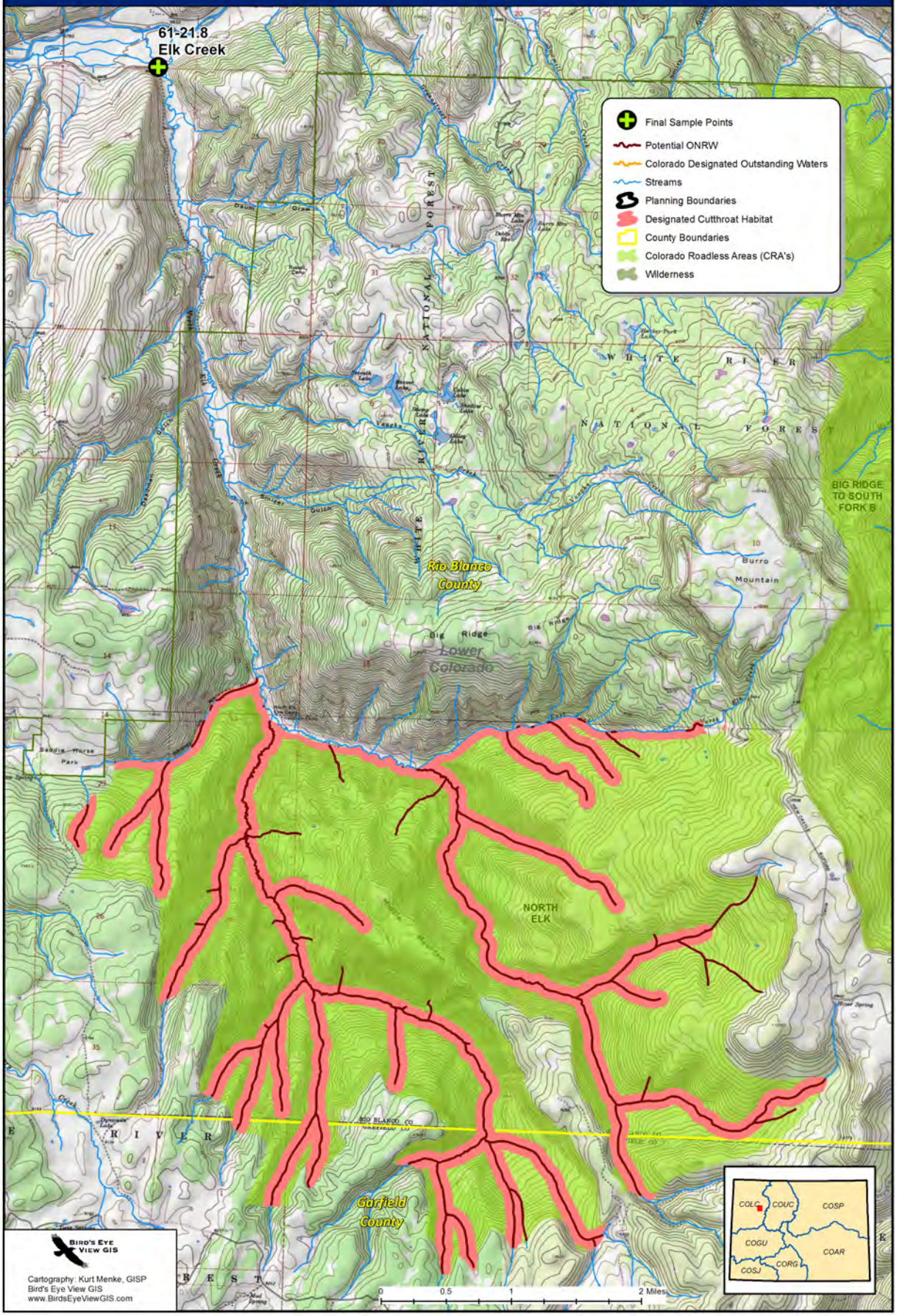
MAPS OF PROPOSED OW SEGMENTS

Potential Outstanding Waters
NW of Flat Tops Wilderness



Cartography: Kurt Menke, GISP
Bird's Eye View GIS
www.BirdsEyeViewGIS.com

Potential Outstanding Waters West of Flat Tops Wilderness



Bird's Eye View GIS

Cartography: Kurt Menke, GISP
Bird's Eye View GIS
www.BirdsEyeViewGIS.com

Contact Person Jon Kindler
Wildlife GIS Coordinator
C 317 West Prospect Rd.
City Fort Collins, CO 80526
UNITED STATES
Telephone 970-472-4324
Electronic Mail Address jon.kindler@state.co.us

Summary

This data was compiled for the Colorado Oil and Gas Conservation Commission in response to HB1298.

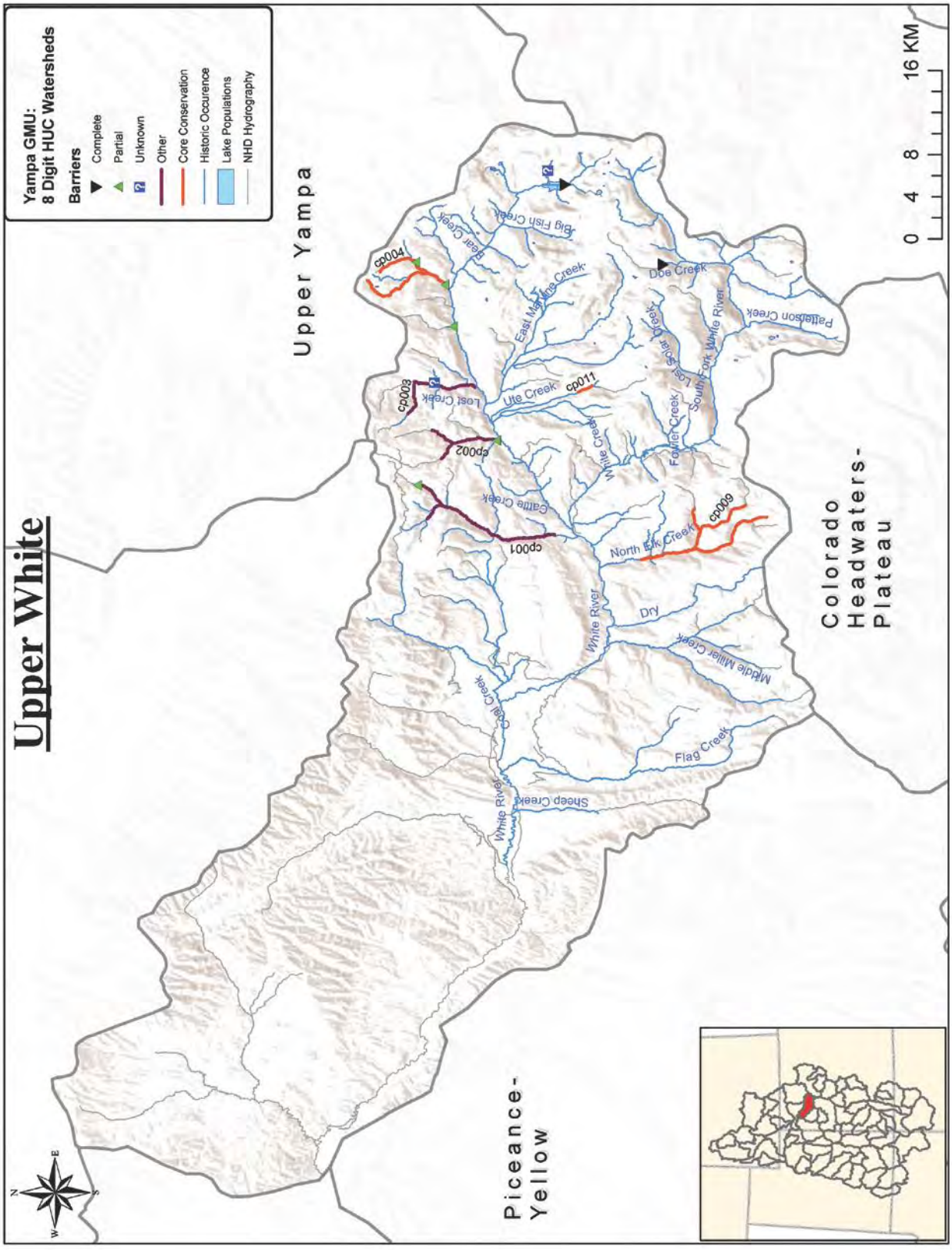
Description

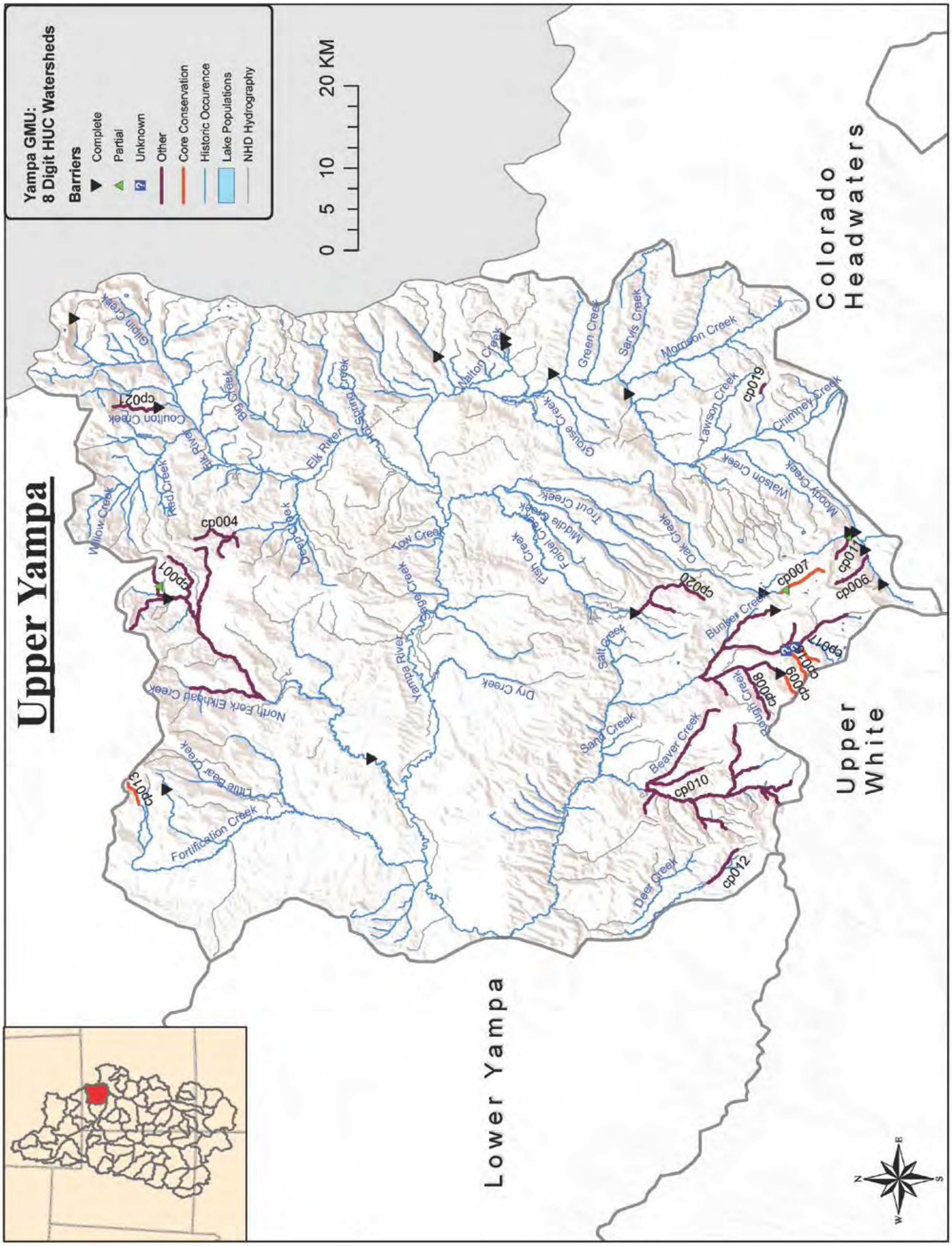
Designated Cutthroat Trout Habitat is defined as 1:24,000 scale areas located within 300 feet of the ordinary high water mark (centerline in absence of high water mark) of any stream segment located within CDOW designated Critical Cutthroat Trout Habitat.

Credits

Colorado Division of Wildlife.

Use limitations


Yampa GMU:
8 Digit HUC Watersheds
Barriers
Complete
Partial
Unknown
Other
Core Conservation
Historic Occurence
Lake Populations
NHD Hydrography
Upper White
Upper Yampa
Colorado Headwaters-Plateau
Piceance-Yellow
0 4 8 16 KM
cp004
cp003
cp002
cp001
cp011
cp009
Bear Creek
Big Fish Creek
East Marvine Creek
Doe Creek
Patterson Creek
Lost Creek
Ute Creek
White Creek
Fortifer Creek
South Fork White River
Cattle Creek
North Elk Creek
White River
Dry
Middle Miller Creek
Coal Creek
Flag Creek
Sheep Creek
White River


Upper Yampa
Yampa GMU:
8 Digit HUC Watersheds
Barriers
Complete
Partial
Unknown
Other
Core Conservation
Historic Occurence
Lake Populations
NHD Hydrography
0 5 10 20 KM
Colorado Headwaters
Upper White
Lower Yampa
cp001
cp004
cp006
cp007
cp008
cp009
cp010
cp012
cp013
cp016
cp017
cp019
cp020
cp021
Gilpin Creek
Coulton Creek
Elk River
Big Creek
Red Creek
Willow Creek
Deep Creek
Hot Spring Creek
Walton Creek
Green Creek
Sarvis Creek
Morrison Creek
Grouse Creek
Lawson Creek
Chimney Creek
Watson Creek
Moody Creek
Oak Creek
Trout Creek
Middle Creek
Foidel Creek
Fish Creek
Tow Creek
Sage Creek
Yampa River
Dry Creek
Salt Creek
Bunker Creek
Sand Creek
Beaver Creek
Deer Creek
North Fork Elkhead Creek
Little Bear Creek
Fortification Creek

COLORADO WATER QUALITY CONTROL COMMISSION
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EXHIBIT C

STAKEHOLDER OUTRERACH RECORD

Organization	Interest	Contact Name	Notes
Clean Water Action	Environmental Group	Gary Wockner	E-mail: 11/29/12
Eagle River Watershed Council	Environmental Group	Tambi Katieb, Co-Director	Spoke by phone: May 7. 2013
Environment Colorado	Environmental Group	Jeanne Bassett	E-mail: 11/29/12
Conservation Colorado	Environmental Group	Sasha Nelson	E-mail: 11/29/12
Roaring Fork Conservancy	Environmental Group	Rick Lofaro, Executive Director	E-mail: 1/11/13
Elk Creek Ranch	Fishing	Brett Harvey, Ranch Manger	in person meeting June 26, 2013
Elk Creek Ranch	Fishing	Bill Wheeler, Owner	in person meeting June 26, 2013
Rio Blanco Ranch	Fishing	Josh Halstead, Ranch Manager	in person meeting June 26, 2013
Trout Unlimited	Fishing	David Nickum, State Director	E-mail: 11/29/12
Trout Unlimited	Fishing	Brian Hodge	E-mail: 9/25/13
City of glenwood Springs	Government	Jeff Hecksel, City Manager	E-mail: 1/11/13; meeting request by e-mail on 1/15/13
City of Grand Junction	Government	Greg Trainor	E-mail: 1/11/13
Colorado Parks and Wildlife	Government	Rick Cables, Director	in person meeting June 24, 2013
Colorado Parks and Wildlife	Government	Greg Gerlich, Fisheries Director	in person meeting June 24, 2013
Eagle County	Government	Keith Montag, County Manager	E-mail: 1/11/13
Garfield County	Government	Fred Jarman	E-mail: 1/14/13; meeting request by e-mail on 1/15
Mesa County	Government	Julie Constan	E-mail: 1/14/13; meeting request by e-mail on 1/15; in person meeting June 25, 2013
Moffat County	Government	Jeff Comstock, Natural Resources Director	E-mail: 1/11/13
Pitkin County	Government	Jon Peacock, County Manager	E-mail: 1/14/13; meeting request by e-mail on 1/15
Rio Blanco County	Government	Jeremy Simmons, County Administrator	E-mail: 1/11/13; meeting request by e-mail on 1/15; in person meeting June 27, 2013; met with entire Board of County Supervisors
Routt County	Government	Tom Sullivan, County Manager	E-mail: 1/11/13; in person meeting June 27, 2013 with County manager and Commissioner Corrigan
Town of Meeker	Government	Scott W. Meszaros, Town Administrator,	E-mail: 1/11/13; meeting request by e-mail on 1/15/13; in person meeting June 26, 2013
White River National Forest	Government	Scott Fitzwilliams, Forest Supervisor	Spoke by phone: June 24. 2013
Eagle County Conservation Board	Land	Bryan Treu, County Attorney,	E-mail: 1/11/13
Basalt Water Conservancy District	Water Management	Eric Mangeot	E-mail: 1/11/13
Colorado River District	Water Management		E-mail: 1/11/13
Colorado River Water Conservancy District	Water Management	Mike Eytel, water resource specialist	E-mail: 1/11/13; meeting request by e-mail on 1/15/13; in person June 24, 2013
Eagle County Conservation District	Water Management		E-mail: 1/11/13
Upper Yampa Water Conservancy District	Water Management	Kevin McBride, District Manager	E-mail: 1/11/13; in person meeting June 27, 2013
Ute Water Conservancy District	Water Management	Joe Burtard	E-mail: 1/11/13; in person meeting June 25, 2013
Yampa/White/Green Basin Round Table	Water Management	Tom Gray, Chairperson	PowerPoint presentation to RT meeting by phone. Requested in-person Presentation on Dec. 12, 2013, Jan. 15, 2014, Feb. 19, 2014 and again on March 12, 2014.

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EXHIBIT D

STAKEHOLDER LETTERS OF SUPPORT

RBR

RIO BLANCO RANCH

August 27, 2013

Peter Butler, Chair
Paul Frohardt, Commission Administrator
Colorado Water Quality Control Commission
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, A-5
Denver, CO 80246-1530

Dear Chairman Butler and Commission Administrator Frohardt,

We write to provide our resolute support for the designation of additional outstanding waters in the Upper Colorado River Basin, in particular tributaries of the White River on USDA Forest Service lands.

We encourage the WQCC to adopt the proposed designation during the scheduled June 9, 2014 rule making hearing to establish classifications and numeric standards for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33).

The stream segments proposed for outstanding designation include Fawn Creek, Lost Creek, North Fork Elk Creek and Snell Creek as well as all of their tributaries on the White River National Forest. These waters are all currently designated by the state of Colorado as critical trout habitat.

Our goal is to keep our best and highest quality rivers and streams clean. The Rio Blanco Ranch is a recreational destination with world-class fishing resources. Our enjoyment of these ecological and recreation resources is entirely dependent upon clean and abundant water. Simply put, we want to ensure that the most pristine, highest quality trout waters are protected in perpetuity.

Sincerely,

Josh Halstead
Ranch Manager

3050 Trappers Lake Road~PO Box 750~Meeker, CO 81641~970.878.3444~Fax 970.878.3282