

MEMORANDUM



DATE: November 1, 2024

TO: Alan Goldich, Senior Planner, Routt County

FROM: Torie Jarvis, Sullivan Green Seavy Jarvis LLC
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Consultants to the Northwest Colorado Council of Governments

RE: Review of Tailwaters at Stagecoach Preliminary Subdivision Application for Consistency with NWCCOG Regional Water Quality Management Plan

This memorandum analyzes the application for the proposed Tailwaters at Stagecoach Preliminary Subdivision Application ("Project" or "Tailwaters") according to the applicable policies in the NWCCOG Regional Water Quality Management Plan and offers input to both the applicant and the County.

The proposed Project will infill approximately 89 acres of undeveloped land east of County Road 18A and south of Stagecoach Reservoir. The Project includes a mix of 200 residential units and a small neighborhood commercial area clustered on approximately 40 acres. The Project also includes roughly 10 acres of roads and rights-of-way, and 38 acres of open space. The applicant is Tailwaters at Stagecoach LLC. The Project would receive water and sanitation services from Morrison Creek Water and Sanitation District.

I. NWCCOG 208 Plan Background

Section 208 of the Clean Water Act provides for the creation of regional water quality management plans for coordinated regional approaches to water quality management.¹ A regional water quality management plan is also referred to as a "208 Plan."

The Northwest Colorado Council of Governments ("NWCCOG") is the designated regional water quality management agency in Region 12 (Eagle, Grand, Jackson, Pitkin, Routt, and Summit Counties). The primary goal of NWCCOG's Regional Water Quality Management Plan is to protect existing water quality and designated uses in the waterbodies of the region.

NWCCOG provides comments on regional water quality implications of development as a referral agency, as is the case with this application. Where a local government has incorporated a standard requiring consistency with the 208 Plan into its regulations, NWCCOG provides a more detailed review and a finding of whether or not an application is consistent with the 208 Plan.

¹ 33 U.S.C. § 1288.

All reviews of development applications are based on policies enumerated in Volume 1 of the 208 Plan.² Policies applicable to the Tailwaters Project include:

Policy 3. Land Use and Disturbance

Water quality, including wetlands, floodplains, shorelines and riparian areas, must be protected from land use and development so that significant degradation of water quality is prevented.

Policy 4. Domestic, Municipal, and Industrial Water and Wastewater Treatment Facilities

Decisions to locate water supplies, wastewater treatment systems, and other water and wastewater facilities shall be made in a manner that protects water quality and the aquatic environment. Where growth and development requires the need for additional facility capacity, existing facilities should be expanded instead of developing new facilities, unless expansion is not feasible because of technical, legal or political reasons.

II. Tailwaters Analysis

The following provides observations and recommendations based on how the Tailwaters Project impacts regional water quality as outlined in the 208 Plan policies.

Policy 3. Land Use and Disturbance

Policy 3 states:

Water quality, including wetlands, floodplains, shorelines, and riparian areas, must be protected from land use and development so that significant degradation of water quality is prevented.

In order to ensure that the impacts of land use and development do not cause significant water quality degradation, the application materials should include the following four analyses:

1. Characterize existing water quality in affected waters in and downstream of the project, (“existing water quality”)
2. Analyze the predicted impacts, (“predicted impacts”)
3. Identify appropriate mitigation measures and demonstrate their efficacy, (“mitigation measures”) and
4. Monitor to ensure water quality is protected (“monitoring”).

NWCCOG provides the following recommendations for each of the four analyses:

- 1. Existing water quality.** The application characterizes existing water quality data to a reasonable degree. The application identifies wetlands adjacent to Little Morrison Creek.

² NWCCOG Regional Water Quality Management Plan, 2012, Volume 1: Policy Plan, https://www.nwccog.org/wp-content/uploads/2015/04/Vol-1_Policy-Plan-2012-208-Plan.pdf.

- 2. Predicted impacts.** The description of nonpoint source pollution sources is vague and qualitative in nature. The description of point source pollution is sufficient given that the Project will tie into an existing facility. The application does not discuss potential impacts to wetlands adjacent to Little Morrison Creek.

Recommendation 2a. The applicant should address the site design and potential impacts to water quality and wetlands adjacent to Little Morrison Creek including describing:

- how the locations of the basin outfalls were selected in the Site Plan,
- whether any alternative locations for the basin outfalls could reduce potential impacts to wetlands and water quality.
- why those alternatives were not feasible.

Recommendation 2b. Depending on the rationale provided for the basin outfalls, the applicant may need to relocate basin outfalls to minimize predicted impacts to the waterbodies.

Recommendation 2c. The applicant reports that the final project phasing will be provided at a future date. The applicant should consider the impacts to water quality and wetlands when finalizing project phasing. For example, if the applicant cannot avoid basin outfalls in the wetland setback area, can the work be scheduled for periods when the ground is frozen?

Recommendation 2d. Installing permanent stormwater and erosion control measures in the early phases of the project will likely provide better water quality protections by potentially reducing the time when temporary erosion control (e.g., silt fence) measures are needed. When the phasing plan is finalized, the County should consider to water quality impacts of the proposed sequence and possibly consider revisions to the sequence to enhance water quality protections.

- 3. Mitigation measures.** The application provides several mitigation measures to address stormwater quality and quantity, but the application should provide additional detail as to the sufficiency of the proposed mitigation. With respect to wetlands, some stormwater and erosion control measures are located within the 50' setback for existing wetlands.
- 4. Monitoring.** During the review process, the application has been amended to include water quality monitoring and identifies adaptive management measures that may be initiated based upon the water quality results.

Recommendation 4a. The current iteration of the water quality monitoring plan appears to include a single set of pre-construction samples. Due to considerable natural variability in water quality parameters, it may not be appropriate to develop monitoring benchmarks based upon a single set of samples. There is existing and ongoing water quality sampling in Little Morrison Creek. The applicant should explain whether it is appropriate to incorporate selected

summary statistics (e.g., median and interquartile ranges) from the existing data set to further contextualize pre-construction, construction, and post-construction water quality data.

Recommendation 4b. The water quality study dated 9/10/24 establishes a benchmark that reads:

"sampling will cease when construction activity is completed and there are at least two consecutive samples showing nutrient levels are at or below 10% of the preconstruction nutrient sampling levels".

NWCCOG offers the following revisions to improve the clarity and rigor of this benchmark. Deletions are provided in strikethrough; insertions are double-underlined.

"sampling will cease when ~~construction activity is completed~~ the site is no longer subject to a CDPHE construction stormwater permit and there are at least two consecutive monthly samples events showing nutrient levels are ~~at or below 10% of~~ less than or equal to the preconstruction nutrient sampling levels. Should there be a dispute regarding whether this benchmark has been achieved, the applicant shall 1) continue monitoring and 2) incorporate an analysis of existing nutrient data collected from Little Morrison Creek. The purpose of this provision is to ensure that anomalous data are not used as the basis to cease monitoring activities."

Policy 4. Domestic, Municipal, and Industrial Water and Wastewater Treatment Facilities

Policy 4 states:

Decisions to locate water supplies, wastewater treatment systems, and other water and wastewater facilities shall be made in a manner that protects water quality and the aquatic environment. Where growth and development requires the need for additional facility capacity, existing facilities should be expanded instead of developing new facilities, unless expansion is not feasible because of technical, legal or political reasons.

Assuming the project receives water and sanitation services from Morrison Creek Water and Sanitation District, as proposed, the project readily complies with Policy 4.