

SAVE HOMESTAKE

WHITNEY RESERVOIR

EAGLE COUNTY 1041 REVIEW

Evidence, Applicable Approval Standards
and Save Homestake’s Position

November 2, 2026 · Edition 1.11 · Evidence edition

A connected public-interest record for independent review

EXECUTIVE EVIDENCE OVERVIEW

The evidence at a glance

Existing exports, wetland exposure and wildlife habitat show what Whitney would change. The cards cite the published Chapter VI. The decision roadmap compares it with the rules approved October 27.

Wetlands + fens

About 81.4 acres of mapped wetlands and Potential Fen habitat lie in our full-pool models of the four potential dam sites. The wider connected system contains 362.1 mapped acres through the Eagle River confluence.

§6.04.01(16), (17), (19), (20)
S26 · S30 · S31 · HWF:V3-07 · S34

Water + existing export

About 23,400 AF/year exported, compared with 21,500 AF/year passing Gold Park, WY2007-2024.

§6.04.01(15), (16); §6.04.02(3)
HWA:S-GP-ANNUAL

Wildlife + aquatic habitat

Historical breeding and trout records, current observations and lidar routes displaced onto valley sides.

§6.04.01(18), (19)
HWF:V3-17 · HWF:V3-24

The complete project

The reservoir connects to dam works, roads, pumping, conveyance, power and recurring maintenance.

§6.01.09; §6.03.06; §6.04.01(17)-(21)
S08 · S09 · S29

Recreation + landscape

Existing trail, river and wildlife-viewing experience; construction and operating noise, access and scenery.

§6.04.01(11), (14), (21)
S09 · S10 · S16

Need + efficient water use

Credit verified conservation and reuse. Compare further practical savings and reliable annual supply on the same basis.

§6.04.02(1), (3); §6.04.01(5), (24)
S01 · S08

Evidence: S01

ATTRIBUTED ADVOCACY

Save Homestake’s position

> Save Homestake opposes Whitney Reservoir. Flooding the valley and taking more water from its streams would sacrifice wetlands, wildlife habitat and water that downstream communities already depend on.

We oppose new or expanded diversions from Homestake Valley and changes to the Holy Cross Wilderness boundary. Municipal demand does not give the cities a claim on the valley’s future.

The criteria supporting that position

- Wetlands, groundwater, plants and soils: preserve the functioning peat, water and living community, including habitat exposed to modeled inundation and construction.
- Wildlife and aquatic life: protect breeding, seasonal movement, cold-water habitat and the flow-dependent food web.
- Recreation, scenery and nuisance: evaluate the complete construction and operating landscape, including roads, pumps, power and maintenance.
- Necessity, efficient use and County benefits: demonstrate reliable project-specific supply, credit conservation already achieved, and compare additional practical measures and local resource losses.

A decision grounded in the governing record

For a permit application, the Board decides whether every applicable standard is met. Save Homestake asks it to deny any permit where enforceable conditions would leave a standard unmet. The evidence and the campaign’s requested findings are identified separately.

Evidence: S01 · S07 · S08 · S31

HOW TO READ THIS DOSSIER

A record you can inspect

The chapters connect each threatened resource with the County standard that protects it and the evidence relevant to that decision.

Evidence category	Meaning in this dossier
DOCUMENTED FACT	A dated source directly records the fact.
MEASURED DATA	An observation or instrument record, with location and period.
CALCULATION	A reproducible transformation of stated inputs.
MODELED RESULT	An output dependent on identified geometry, scenarios and assumptions.
SCIENTIFIC INFERENCE	A mechanism supported by research, applied with its study setting.
PROPONENT STATEMENT	The cities’ or applicant’s own attributed project description.
SAVE HOMESTAKE ANALYSIS	The project’s interpretation connecting sources and approval questions.
SAVE HOMESTAKE POSITION	The organization’s clearly attributed requested decision.
UNRESOLVED	A material record that still needs an identified answer.

Read citations in one consistent way

County source IDs S01–S42 link to the records. HWF identifies ecological sources, HWA the water audit and MUN municipal sources. The matrix and contents link to the relevant chapters.

This edition compares the published Chapter VI with the package approved October 27. The Board tied effectiveness to a separate enacting resolution. The November 2 status appears on page 9. Appendix A helps interpret Chapter VI criteria.

Evidence: S01 · S36 · S35 · S37 · S42

EXECUTIVE MATRIX · 1 OF 2

The decision roadmap

Chapter VI and the October 27 package set out different tests. The rule governing a Whitney filing depends on enactment, transition provisions and the filing record.

Resource / issue	Key evidence	Chapter VI	October 27 package	Decision question	Save Homestake position	Detail
Fens / wetlands	All alternatives intersect dated wetland/fen polygons; peat function.	6.04.01(17)	406(C)(3); 307(F)	Will functions avoid significant degradation after conditions?	Deny if significant loss remains.	29
Groundwater	Groundwater-fed peat; excavation, dewatering and channel connections.	6.04.01(16), (17), (20)	406(C)(2)-(3)	Which sources, levels and functions would change?	Protect the supply sustaining peat and habitat.	31
Surface water / aquatic life	Matched annual accounts; seasonal flow, metals and food-web studies.	6.04.01(15), (18)	406(C)(1), (4)	What incremental quality and habitat change would occur?	Deny significant degradation left unresolved.	35
Wildlife / plants / soils	Historical records, observations, regional ecological studies.	6.04.01(18)-(20)	411-413	Which communities/functions are exposed and replaceable?	Protect connected habitat and lasting peat function.	38
Recreation / scenery	Existing valley uses; modeled landscape and basin boating scenarios.	6.04.01(11), (14)	423; 431	Would existing experience or visual quality significantly decline?	Evaluate existing experience and full operating levels.	49
Noise / infrastructure	Applicant pumping/conveyance; dam, roads, power and maintenance.	6.04.01(21); 6.03.06	429; 425-426	Will construction or operation cause an unresolved nuisance?	Review every connected component and operating phase.	51

Evidence: S01 · S36 · S37

EXECUTIVE MATRIX · 2 OF 2

The decision roadmap

Chapter VI and the October 27 package set out different tests. The rule governing a Whitney filing depends on enactment, transition provisions and the filing record.

Resource / issue	Key evidence	Chapter VI	October 27 package	Decision question	Save Homestake position	Detail
Necessity	Storage concepts and broader program objective; service-area demand.	6.04.02(3)	Information: 303(D), 331(B); test omitted	Is Whitney necessary under reasonable service-area assumptions?	Chapter VI ties approval to demonstrated necessity. The October package requires demand information.	55
Efficient water use	Measured conservation/reuse plus practical additional savings.	6.04.02(1)	434(D); 331 materials	Does the project emphasize the most efficient water use?	Credit progress and quantify additional measures.	57
Dependable supply	Refill, dry years, senior rights, pumping and releases.	6.04.01(5); 6.04.02(3)	403; 409	Are operation and promised deliveries feasible and dependable?	Deny if the governing feasibility or dependable-supply standard remains unmet.	60
County benefits / economy	Binding County benefits versus permanent resource/opportunity losses.	6.04.01(24), (10), (9)	422; no equivalent standalone (24)	Do County benefits outweigh County losses?	We support a separate, express County benefit-versus-loss test.	62
Cultural / historic	Protected landscape history; inventory needed for affected resources.	6.04.01(22)	424	Which important areas would be significantly degraded?	Protect documented resources with meaningful Tribal participation.	53
Rights / public lands	Ownership, protected boundaries, approvals and water decrees.	6.04.01(1); 6.01.05	404; 109	Are all rights/approvals secured and standards met?	Oppose wilderness-boundary changes; enforce County protections.	64

Evidence: S01 · S36

CLICKABLE CONTENTS

Find your way through the record

The executive matrix links each approval issue to its criterion chapter. These contents lead to the supporting systems, maps, studies and original records.

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DECISION RULE AND CROSSWALK

When a permit goes to the Board

Chapter VI names the Board as the permit authority (§6.01.07). Under §§6.03.10 and 6.04.01, the applicant bears the burden, and a permit cannot be approved while a criterion remains unmet. Colorado law also requires denial of a noncompliant activity (§24-65.1-501(4)).

In the October 27 package, §§211 and 401 place the burden on the applicant. The Board must deny a permit if any Article 4 standard fails. It may approve with conditions that bring the project into compliance with every standard. The separate exception and FONSI paths are explained on page 67.

Protected interest	Chapter VI	October 27 package
Fens / wetlands	6.04.01(17)	406(C)(3); 307(F)
Groundwater	6.04.01(16)	406(C)(2)
Surface water / aquatic life	6.04.01(15), (18)	406(C)(1), (4)
Wildlife / plants	6.04.01(18), (19)	411; 412
Recreation / local economy	6.04.01(11), (10)	423; 422
County benefits exceed losses	6.04.01(24)	No equivalent standalone test
Demonstrated necessity	6.04.02(3)	Information required; test omitted
Efficient use / conservation	6.04.02(1); 6.04.01(12)	434(D); 331 materials
Feasibility / dependable supply	6.04.01(5); 6.04.02(3)	403; 409
Nuisance / scenery	6.04.01(21), (14)	429; 431
Historic / archaeological areas	6.04.01(22)	424
Rights and approvals	6.04.01(1)	404

Chapter VI Appendix A supplies considerations for applying its criteria. The table pairs topics across both texts where the scope or wording differs.

Evidence: S01 · S36 · S06 · S37

COUNTY 1041 RULES · NOVEMBER 2, 2026

The October 27 decision

On October 27, Eagle County commissioners approved standalone 1041 regulations. They voted to make them effective immediately upon passage of a separate enacting resolution. The vote concerned countywide rules. Whitney Reservoir would need its own review.

Record	What it establishes
October 27 vote	The Board approved Attachment 1.2 with the changes in Attachment 1.1. Counsel expected to bring the enacting resolution to the next meeting or the following meeting when ready.
November 2 status	No separate enacting resolution, number, effective date, final enacted text or general transition provision was verified in the records reviewed through November 2.
November 3 agenda	LUR-009660-2026 is the scheduled general land-use rewrite. Its timetable is separate from the standalone 1041 rulemaking, LUR-009633-2026.

What this means for Homestake

County review must reach the streams, groundwater, fens and downstream habitat that a reservoir and its operating system would change. Which set of rules applies to a particular filing depends on the final enactment and transition terms and the filing’s status.

Evidence: S35 · S36 · S37 · S38 · S39 · S40 · S41 · S42

THE COMPLETE PROJECT

Whitney’s impact extends beyond the waterline

Colorado Springs Utilities’ March 2022 fact sheet describes gravity pipelines and tunnels carrying water from Peterson, Fall and Resolution Creeks to the proposed reservoir, followed by pumping to existing Homestake Reservoir (p. 1, S08). This collection scheme identifies Resolution Creek itself as a water source. It describes a connected water system with construction and operating effects beyond the reservoir shoreline.

The argument for denial

Inundation permanently converts habitat. Building and operating the supporting system adds clearing, excavation, road use, visible infrastructure and recurring activity. Those effects can reach wetlands outside the flood line, groundwater connections, wildlife movement and the places people come to enjoy. They belong in the same compliance findings as the reservoir itself.

The reservoir and the system needed to operate it

Chapter VI §6.03.06 calls for the project and impact record, including alternatives, construction and operation. The October 27 definitions (§109) include related facilities, storage and operations with new or increased impacts, and direct, indirect and cumulative land-use effects in the county.

> The Board should decide the impacts of the reservoir, dam works, roads, pumping, conveyance, electrical supply, construction areas and continuing maintenance together. Deny where any applicable resource, recreation, nuisance or scenery standard remains unmet.

How to read the maps

The original Save Homestake system map shows existing Homestake I’s USGS shoreline and tunnel beside Alternative D, the largest modeled Whitney option. Purple dashed connections show the three collection sources named in CSU’s March 2022 fact sheet: Fall, Peterson and Resolution Creeks. Rust dashes show an approximate valley pumping corridor, independently redrawn from the broad corridor in the 2019 utility draft. Stream circles are references, while intake sites and engineered alignments are unlocated. The amber callout identifies pumping power, with the electrical supply route unlocated. The alternative maps use the existing reservoir model and complete archived wetland inventories. They show the modeled dam embankment and mark likely downstream work locations with callouts. The component tables account for permanent access, pump-station and electrical effects together with the reservoir.

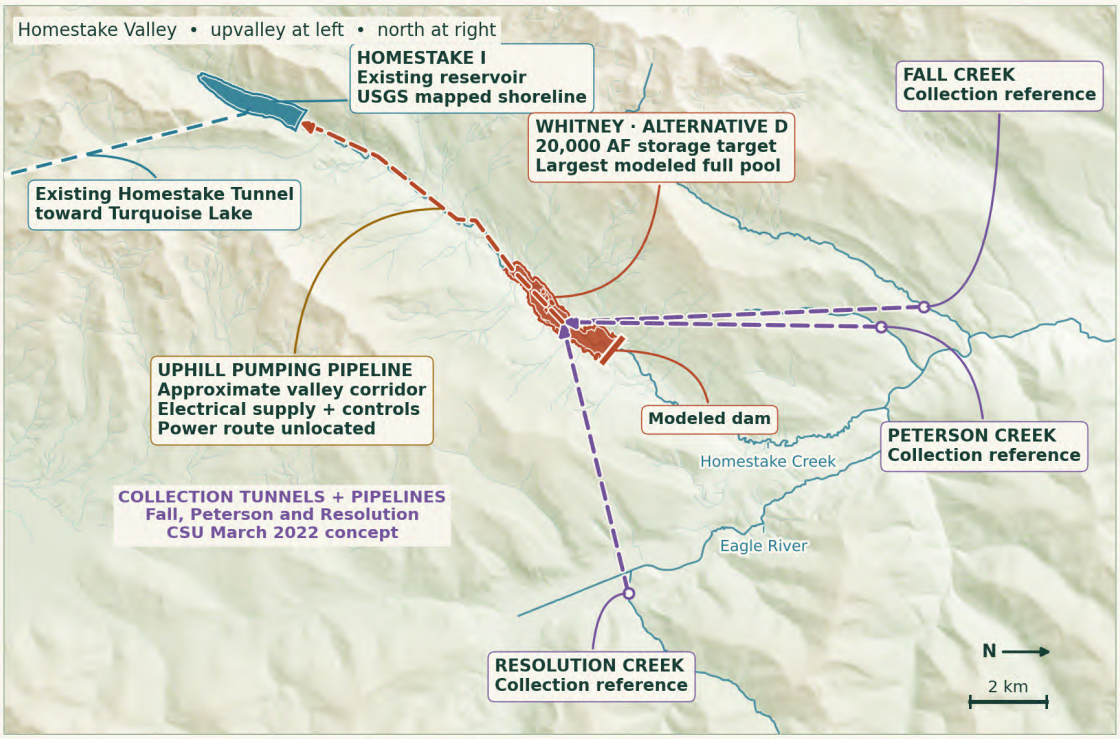
Evidence: S01 · S36 · S08 · S09 · S10 · S29 · S37

ORIGINAL SAVE HOMESTAKE MAP · RESERVOIRS, TUNNELS, PUMPING AND POWER

Whitney would connect a wider water system

Whitney would connect a wider water system

Reservoirs, tunnel and pipeline concepts, and the power required for uphill pumping



The County's review must include tunnels, pumping, power and reservoir impacts together.

CSU March 2022 concept: gravity collection from Fall, Peterson and Resolution Creeks.
Water would be pumped from Whitney to existing Homestake I along an approximate valley corridor.
Routes are approximate concepts; circles are stream references. Proposed intake and pump sites are unlocated.
Pumping requires power; the reviewed records give no electrical supply route.
Geography: USGS 3DEP, 3DHP and NHD. Whitney: Save Homestake D full-pool model. UTM Zone 13N.

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The original map shows Homestake I and its existing tunnel beside Whitney Alternative D's modeled full pool with a 20,000 acre-foot storage target (S10). Purple dashes show one collection scheme: gravity pipelines and tunnels from Fall, Peterson and Resolution Creeks, as described by CSU in March 2022 (S08, p. 1). Rust dashes independently redraw an approximate valley pumping corridor using the 2019 utility draft as a broad spatial reference (S29). Connections and stream circles are approximate references; engineering alignments and intake sites are unlocated. The amber callout identifies pumping power, with the electrical supply route unlocated. These connected impacts belong in the County's review together.

Evidence: S08 · S10 · S29

CONSTRUCTION FOOTPRINT AND RETAINED WORKS

Roads and downstream dam works

The 2019 applicant map locates the four alternative dam axes, Homestake Creek and the existing road (S09, Figure 1, technical p. 3 / PDF p. 11). The maps that follow show the modeled embankment and the downstream side where related work would occur. The effects below are anticipated construction pathways tied to those components.

Component and basis	Likely construction effects	Continuing effects
Dam, foundations and downstream works Mapped alternative axes; modeled embankments.	Clearing and excavation; downstream toe, outlet/spillway work; temporary stream management; equipment access; sediment and groundwater disturbance.	Visible dam and outlet works; inspections, repair access and altered channel/flow conditions.
Homestake Road and work/service access Existing road mapped in S09.	Haul traffic, dust and equipment; new or relocated road cuts/fills where selected; potential wetland crossings and temporary access interruptions along affected routes.	Service vehicles; road/drainage upkeep; recurring access needs and any operating restrictions.
Staging, materials and excavated spoil Anticipated dam/conveyance work.	Laydown, stockpiles, material handling and runoff can disturb nearby wetlands and their groundwater connections.	Retained access or pads; reclamation performance; disturbance when repairs require renewed work areas.

> Land downstream of the dam is part of the impact case. A reservoir waterline leaves out the foundation, toe, outlet, access and work areas needed to build and service the structure.

Chapter VI §6.04.01(11), (14) and (17)–(21) address recreation, scenery, wetlands, wildlife, plants, soils and nuisance. In the October 27 package, §§406, 411–413, 423, 429–432 address those effects, and §§425–426 cover traffic and road costs. The 2019 drawings depict temporary investigation access.

Evidence: S01 · S36 · S09 · S27

THE OPERATING SYSTEM

Pumping, power and maintenance count

Pumping and water conveyance are explicit in CSU's description (S08, p. 1). Energy supply, service access and maintenance are necessary to operate that system. Their anticipated effects must be assessed through the selected equipment and layout.

Component and basis	Construction effects	Operation and maintenance
Pump facilities Uphill pumping described by CSU.	Foundation/pad, pipe connections, equipment installation, access and energy supply.	Pump/motor and ventilation noise; vibration; visible buildings, lighting and equipment; service trips, inspections and equipment replacement.
Pipelines and tunnels CSU description and draft conveyance map.	Trenching or tunnel excavation; portals/shafts where selected; spoil handling; crossings and potential groundwater interception.	Visible portals/valves; inspection access; leak repairs and replacement work that can reopen disturbed ground.
Electrical supply and controls Engineering requirement of pumping.	Selected cable/line corridor and equipment pads; installation access and crossings, with poles or generation where proposed.	Equipment appearance, transformer/fan sound where relevant, lighting, testing and servicing; corridor vegetation management where needed.

Why the operating period matters

Initial construction is only one period of disturbance. Repeated service access, equipment operation, corridor work and repairs can recur over the project's life. Quiet recreation, wildlife movement, views and property enjoyment must be assessed against that continuing activity.

> The Board should deny when construction or continuing operation leaves a nuisance or significant recreation, habitat or visual harm under the applicable criterion. The proposed controls must address both periods.

Evidence: S01 · S36 · S08 · S09 · S29

MEASURED DATA + SAVE HOMESTAKE CALCULATION

More water exported than passing Gold Park

Over water years 2007-2024, more recorded water left through Homestake Tunnel than passed the creek gauge near Gold Park Campground. Gold Park lies below the existing reservoir and all five collection sites.

23,371

AF / YEAR

Average recorded Homestake Tunnel export

21,498

AF / YEAR

Average recorded passing Gold Park

52.09% TUNNEL | **47.91% GOLD PARK**

The denominator is explicit

Tunnel export ÷ (Tunnel export + Gold Park flow). Gold Park gauges a 35.6-square-mile drainage. This is a comparison across two recorded routes, not a verified percentage of all natural Homestake runoff.

WY2007-2024 route	Total recorded volume	Share of these routes
Homestake Tunnel	420,676.93 AF	52.09%
Passing Gold Park	386,968.01 AF	47.91%
Two-route sum	807,644.94 AF	100.00%

Whitney would add a reservoir and collection works to a system already exporting more recorded water than passed Gold Park during these 18 years.

Evidence: HWA:S-GP-ANNUAL · HWA:S-USGS-GP · HWA:S-TUNNEL · HWA:S-REPORT

REPRODUCIBLE WATER ACCOUNTING

The arithmetic and its boundaries

We compared water recorded through Homestake Tunnel with water recorded passing Gold Park over the same 18 water years. The share tells us how those two routes divide their combined recorded volume. We then made a separate 14-year basin check that starts with mapped precipitation and accounts for the two routes and changes in reservoir storage. The calculations and their different boundaries follow.

A matched 14-year basin closure, kept separate

The WY2007-WY2020 closure uses the same Gold Park polygon, current 800-m PRISM precipitation, tunnel export and Gold Park flow. It corrects signed reservoir storage, then tests atmospheric processes without treating literature transfers as observations. The 18-year two-route comparison remains a different calculation.

Red Cliff: a different question

The Red Cliff comparison is approximately 43% across two measured paths during WY2007-2011. Red Cliff has a larger downstream drainage and a shorter period, with additional downstream contributions. Its result is a separate comparison, not the low end of an uncertainty range around Gold Park.

Five intakes: collection within the system

Collector	Recorded average capture, WY2014-2024
French	~3,531 AF/year
Fancy	~1,780 AF/year
Missouri	~1,743 AF/year
Sopris	~2,486 AF/year
East Fork	~3,610 AF/year
Combined record	~13,149 AF/year

The combined mean is calculated from the unrounded collector records. The five displayed rounded means sum to 13,150 AF/year. Collector water overlaps later reservoir/Tunnel accounting and is never added to Tunnel export as another withdrawal.

Evidence: HWA:S-GP-ANNUAL · HWA:S-RESERVOIR · HWA:S-REDCLIFF · HWA:S-COLLECTORS · HWA:S-RAW · HWA:S-PRISM-800M · HWA:S-STAGEVOLUME · HWA:S-CLOSURE-LEDGER

MATCHED WY2007-2020 CLOSURE LEDGER

What the basin balance can account for

Across the matched 14-year period, 800-m PRISM precipitation averages 61,496 AF/year. Recorded tunnel export averages 23,345 AF/year and Gold Park discharge averages 23,341 AF/year, leaving 14,810 AF/year before storage. Homestake Reservoir drawdown adds 45.9 AF/year to closure, producing a 14,856-AF/year storage-adjusted remainder.

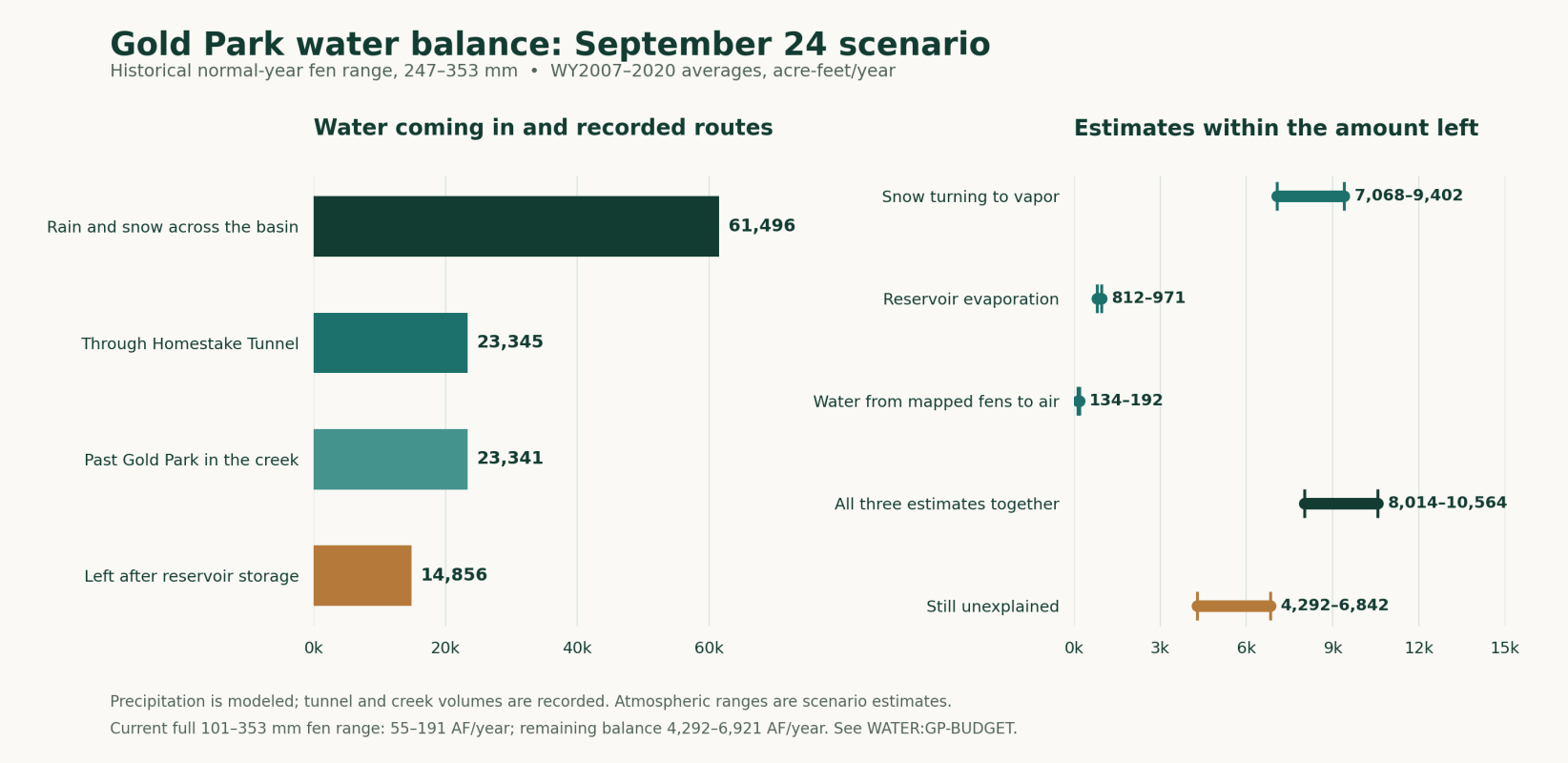
Ledger term	AF/year	Evidence treatment
Total precipitation	61,496	PRISM 800-m modeled input; rain + snow water equivalent
Tunnel export to Turquoise	23,345	DWR class 13704614, counted once
Passing Gold Park	23,341	USGS daily discharge integration
Gross remainder	14,810	P − export − Gold Park Q
Homestake Reservoir ΔS	−45.9	Mean drawdown; signed storage correction
Snow sublimation estimate	7,068-9,402	15-20% of terrestrial Oct-May precipitation
Gross reservoir evaporation	812-971	Alternative fixed-area estimate
Mapped-fen partial-season ET	55-191	High Creek analogue over 165.324 acres
Still unassigned	4,292-6,921	ET, storage, groundwater boundary flow and error remain open

> The 4,292-6,921 AF/year remainder combines the unassigned balance for upland and wet-meadow ET, early-season wetland ET, snow/soil/aquifer storage, possible signed cross-boundary groundwater flow, small-pond storage and input or measurement error.

Evidence: HWA:S-PRISM-800M · HWA:S-TUNNEL · HWA:S-USGS-GP · HWA:S-STAGEVOLUME · HWA:S-CLOSURE-LEDGER

WATER-ACCOUNTING VISUAL

Recorded routes, estimated return to air and what remains



The historical September 24 chart uses the normal-year 247-353 mm fen range. The current calculation uses 101-353 mm, including drought: snow, reservoir and fen estimates total about 7,900-10,600 AF/year, leaving 4,292-6,921 AF/year for other plant use, storage, groundwater movement and input uncertainty.

Evidence: HWA:S-CLOSURE-LEDGER · HWA:S-SNOW-SUB · HWA:S-FEN-ET

SIGNED ANNUAL LEDGER / ACRE-FEET

The annual balance changes with storage

WY	Total P	Tunnel	Gold Park	P−E−Q	Reservoir ΔS	After ΔS
2007	66,447.7	20,792.6	18,304.4	27,350.7	+1,159.7	26,191.0
2008	70,570.3	26,533.1	34,210.3	9,826.9	−399.4	10,226.2
2009	66,406.5	51,353.4	20,225.2	−5,172.0	−20,630.1	15,458.2
2010	57,860.0	9,023.6	16,328.4	32,508.0	+15,909.4	16,598.7
2011	75,777.8	32,240.0	34,149.6	9,388.2	+2,403.1	6,985.1
2012	43,862.4	42,101.7	20,098.7	−18,338.0	−39,421.2	21,083.2
2013	62,406.7	19,125.0	17,134.1	26,147.5	+645.3	25,502.2
2014	65,617.3	16,545.6	23,303.8	25,767.9	NA	NA
2015	61,732.8	4,184.5	25,338.7	32,209.5	NA	NA
2016	62,496.7	4,618.0	35,220.3	22,658.4	NA	NA
2017	61,062.2	23,018.5	26,950.9	11,092.8	−16.7	11,109.5
2018	46,945.2	20,346.4	9,909.0	16,689.8	−1,024.6	17,714.4
2019	68,062.8	34,060.2	30,673.7	3,329.0	+111.2	3,217.8
2020	51,698.3	22,885.3	14,931.3	13,881.7	−763.8	14,645.5

Evidence: HWA:S-PRISM-800M · HWA:S-TUNNEL · HWA:S-USGS-GP · HWA:S-STAGEVOLUME · HWA:S-CLOSURE-LEDGER

PROCESS ACCOUNTING WITHOUT DOUBLE COUNTING

What is recorded, estimated or still unknown

Process	Current value	Responsible accounting treatment
Snow sublimation	7,068-9,402 AF/yr estimate	15-20% of terrestrial Oct-May P; regional 28% remains a sensitivity, not a basin estimate.
Reservoir evaporation	812-971 AF/yr estimate	Fixed-area gross physical scenarios. DWR's 238-AF/yr administrative account is comparison-only.
Fen ecosystem ET	55-191 AF/yr estimate	Partial season; already includes plant, soil and wet-surface vapor flux over mapped fen acres.
Plant transpiration	Unresolved	A 2,575-4,153 AF/yr value is only a 60% conditional closure ceiling if all remainder were land ET.
Soil + wet-canopy evaporation	Unresolved	A 1,717-2,768 AF/yr value is only the complementary 40% ceiling; soil-only flux is not isolated.
Fen/wetland storage ΔS	Unmeasured signed term	Sensitivity: 16.53 AF per 0.1 ft over mapped fens; 33.21 AF over vegetated wetlands.
Groundwater/aquifer	Unmeasured signed terms	Recharge and return baseflow are internal. Net boundary flow and annual aquifer ΔS lack a basin time series.
Diversion-pond storage ΔS	Not measured	No feeder-intake stage-volume series or separate basin pond record was identified. No volume is assigned.

Positive reservoir ΔS retains water; negative ΔS supplies water. WY2014-WY2016 remain NA individually because only the combined +41,384.87-AF repair-period change is supported. Published local warm-season ET depths exceed the open closure when transferred across the whole basin. That mismatch signals scale, phase, land-cover, boundary and input uncertainty. The unassigned remainder reflects these unresolved processes and uncertainties.

Evidence: HWA:S-SNOW-SUB · HWA:S-SNOW-FIELD · HWA:S-SNOW-SURFACE · HWA:S-FEN-ET · HWA:S-GROUNDWATER · HWA:S-CLOSURE-LEDGER

OPERATING RULES AND BIOLOGICAL CONDITIONS

No single flow number defines ecological safety

The existing project must bypass 24 cfs or natural inflow, whichever is less, at Gold Park while diverting. That is a conditional operating rule, not a site-calibrated sufficiency threshold for trout, wetlands or fens.

Benchmark	What the evidence supports	Boundary of inference
Gold Park 24 cfs	Daily means were below 24 cfs on 4,554 of 6,575 days in WY2007-WY2024, including naturally low winter days.	The 24 cfs bypass requirement applies during diversion, or natural inflow if lower.
Seasonal proximity	Below 24 cfs on 3.55% of May-June days, 22.58% of July days and 75.68% of August-September days.	The operating number is conditional on natural inflow and is not a habitat curve.
Trout habitat	CWCB R2Cross evaluates reach-specific depth, velocity and wetted perimeter; temperature, oxygen, cover and life stage also matter.	There is no universal Gold Park cfs minimum for all trout habitat.
Fen condition	CNHP associates peat accumulation with saturation or a water table within about 30 cm of the surface through July and August.	A local water-table depth cannot be converted directly from annual Gold Park discharge.

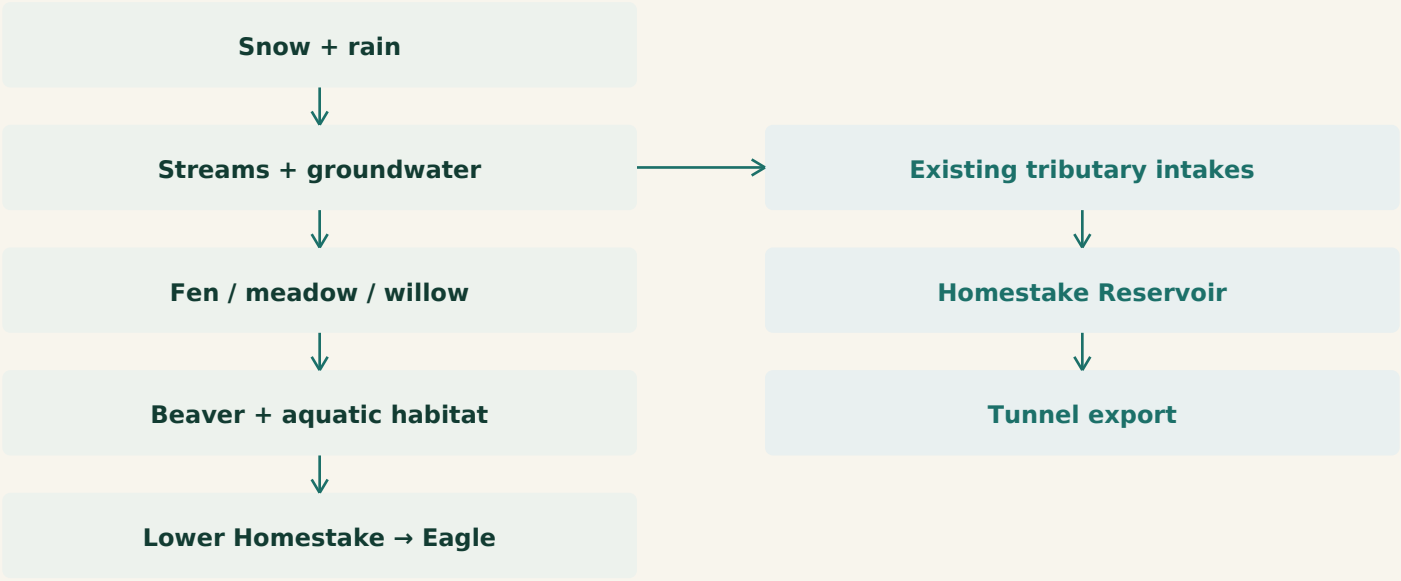
> Ecological conditions depend on seasonal flow, the affected reach, groundwater pathways and the spring hydrograph. Ecological thresholds for these connected habitats remain unquantified in the reviewed record.

Evidence: HWA:S-BYPASS · HWA:S-USGS-GP · HWA:S-R2CROSS · HWF:S28

CONNECTED SYSTEM + SCIENTIFIC INFERENCE

Water timing is habitat

Snow and rain enter headwater streams and groundwater. Seasonal water sustains fens, wet meadows, willow, beaver complexes and aquatic habitat, then moves through lower Homestake Creek toward the Eagle River. These pathways connect the water account with the living resources under review.



Local records and regional mechanisms

Local evidence includes mapped wetlands, field observations and historical upper-Homestake toad breeding and trout documentation. Colorado studies show streamside vegetation shifts below diversions, slower groundwater decline around monitored beaver dams and persistent altered peat properties after drainage. Those results explain how stream flow, groundwater and peat sustain the living landscape.

The exact Gold Park basin clip contains 165.324 acres mapped as confirmed or potential fen and 332.104 acres of vegetated or other NWI wetlands. Those overlapping inventories are not additive. Groundwater-supported peat and wetland complexes regulate local storage, cold-water pathways and late-season habitat.

The relevant comparison is seasonal: spring inundation and recharge, breeding-water duration, summer groundwater and cold-water refuge, plus food transported by flowing water. Annual volumes establish scale; hydrographs and groundwater records connect operation to ecological function.

The approval question

Chapter VI §6.04.01(15)–(20) links surface water, groundwater, wetlands, animals, plants and soils. In the October 27 package, §§307 and 406 bring flow timing, groundwater, wetland functions and aquatic habitat into the same watershed assessment.

Evidence: HWA:S-GP-ANNUAL · HWF:V3-17 · HWF:S31 · HWF:S12 · HWF:V3-07 · HWF:V3-21 · HWA:S-FEN-MAP · HWA:S-WETLAND-MAP · HWA:S-FEN-ET · HWA:S-BYPASS · HWA:S-R2CROSS · HWF:S28 · S36

WHAT IS KNOWN / WHAT MUST BE RESOLVED

What remains unresolved about Whitney supply

Whitney-only dependable yield

Known: CSU describes Whitney storage concepts of 6,850-20,000 AF. The broader Eagle River Joint Use project objective is up to 20,000 AF/year for the East Slope. Storage and annual supply are different quantities, and the broader objective is not Whitney-only annual yield.

Unresolved quantity or design	Why it matters
Whitney-only annual and dry-year yield	Whitney-specific dependable delivery is necessary to interpret necessity, feasibility and alternatives.
Initial fill, refill and source collection	Source tributaries, diversion timing and operating levels affect local water and habitat.
Evaporation, storage change and bypasses	These terms affect the physical balance and downstream water availability.
Pumping, power and conveyance limits	Power and conveyance constraints affect reliability, energy use, noise and cost.
Selected footprint and complete works	The selected design determines the actual component footprint and its effects.

Why the record matters: the County can compare the reliable supply actually delivered with conservation, reuse and alternative portfolios only when the same period, reliability standard, legal availability and losses are used.

Evidence: S08 · HWA:S-REPORT · S01

FOUR MODELED RESERVOIR ALTERNATIVES

Mapped wetlands and potential fens in modeled flood zones

The archived inventory overlay places about 81.4 acres of mapped wetlands and potential fens inside the shared area of all four displayed flood zones. Alternatives A and D intersect four potential-fen polygons; B and C intersect two. These are inventory-model intersections using the dated older CNHP service; the source-version question is detailed on the next page.

Alternative	Wetland polygons	Potential-fen polygons	Wetland + fen overlap[1]
A	29	4	127.4 acres
B	19	2	85.4 acres
C	21	2	94.9 acres
D	38	4	134.8 acres

The wider Whitney-to-Eagle assessment maps 362.1 acres in 36 wetland complexes connected to Homestake Creek, extending to the Eagle River confluence near Red Cliff.

[1] Modeled intersection with the union of mapped wetland and potential-fen polygons, with overlapping areas counted once. Pond, river/stream and lake inventory polygons appear for context and are not added to this acreage. Values describe the existing full reservoir presets.

What the maps show

Each map shows the same extent and scale: modeled flood zone; mapped wetlands; CNHP potential fens; mapped ponds, streams and lakes; existing Homestake Road; and the modeled dam embankment. Orange downstream arrows identify the likely toe/outlet/access work vicinity. Work-area boundaries depend on the selected construction design.

Inventory classifications and coverage

All positive-area intersections were checked against the complete September 18 exports: 2,979 CNHP Colorado Wetlands features and 600 Fen Mapping features covering the model area. The four intersecting fen IDs, 3033, 3045, 5490 and 5491, are classified Potential Fen. IDs 3045 and 5491 intersect all four alternatives. Campaign field photographs and observations provide the separate local habitat record.

Method and significance

The overlay intersects the existing 10 m terrain solver’s water-surface triangles with inventory polygons in UTM Zone 13N. These are modeled inventory-area estimates. The per-feature register lists every intersecting ID and modeled area (S31).

Evidence: S11 · S26 · S30 · S31 · S34

FIELD-CONFIRMED FENS + MAPPED INVENTORY

Homestake’s fens and their mapped inventory

CNHP field-confirmed two Gold Park-area fens on September 12, 2011. Site 6982 had 92 cm of peat; site 6969 had 88 cm. Both had saturated peat, groundwater inflow from adjacent slopes and wetland plant communities, with no disturbance or noxious weeds recorded. These observations document healthy, functioning groundwater-fed fen habitat at the surveyed sites in 2011. CNHP 2011, printed pp.92–99 (HWF:FEN-2011-S01).

CNHP’s Fens2025V2 inventory, retrieved October 10, 2026, maps the following features across the complete Homestake Creek watershed.

15

CONFIRMED FEN POLYGONS

Current V2 inventory · Homestake watershed

160

POTENTIAL FEN POLYGONS

Current V2 inventory · Homestake watershed

Current inventory and modeled pools

The October 10, 2026 comparison found 0 current V2 fen polygons and 0 square metres of fen area intersecting each of the four stored A–D modeled full-pool boundaries. Mapped wetlands still overlap the pools (HWF:FEN-MAP-ANALYSIS-S01).

Why the older overlap figures differ

The shared 81.4-acre wetland and potential-fen overlap and the reservoir-overlap maps use the September 18, 2026 inventory. Current V2 and that dated inventory have different mapped boundaries and classifications. The older Potential Fen polygons remain a separately labeled historical comparison; each overlap figure retains its dated source geometry.

Why the record matters

Homestake’s confirmed fens and connected wetlands are living resources worth protecting. Their groundwater supply and saturated peat sustain wetland plant communities, making those water sources part of the habitat that protection must preserve.

Evidence: HWF:FEN-2011-S01 · HWF:FEN-MAP-V2-S01 · HWF:FEN-MAP-ANALYSIS-S01 · S26 · S30 · S31

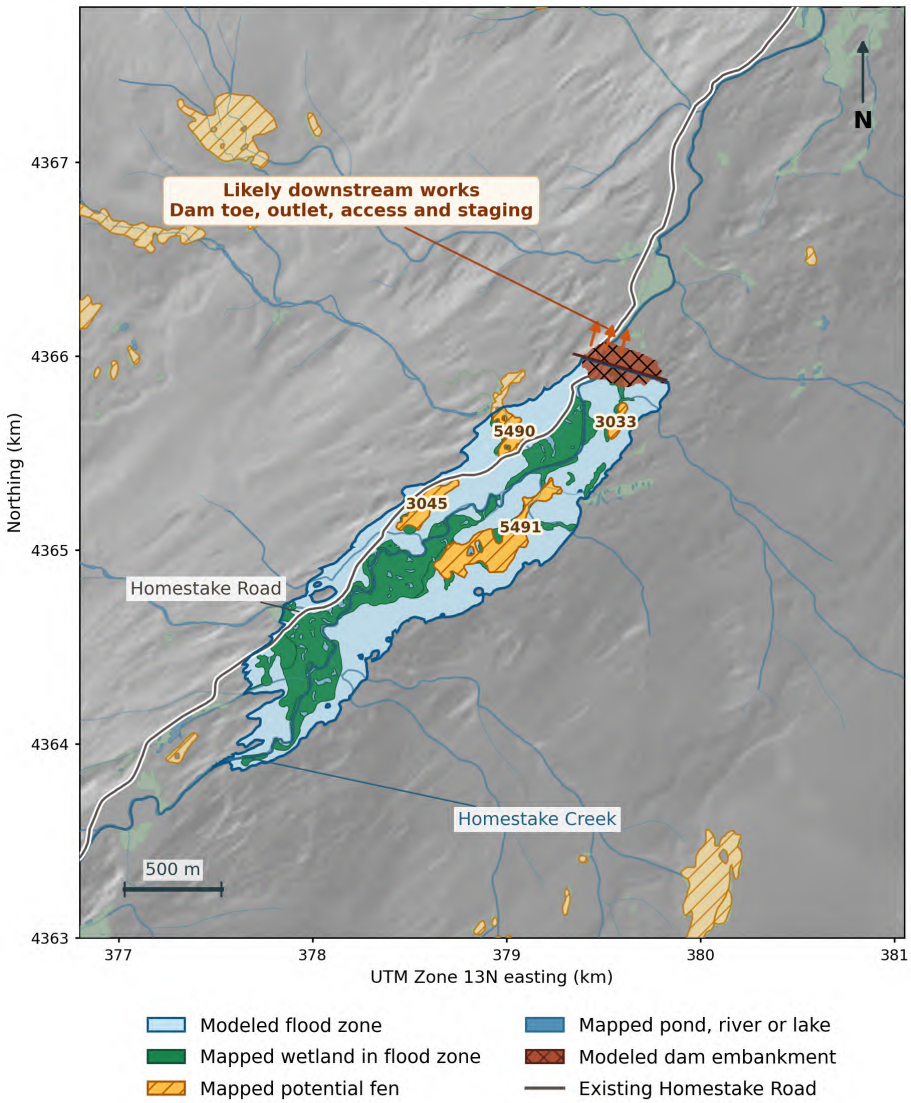
MODELED FLOOD ZONE AND DOWNSTREAM CONSTRUCTION

Alternative A: wetlands and works

Alternative A: wetlands, fens and downstream works

Flood-zone overlap: 29 wetland polygons · 4 potential fens · 73 mapped pond/river/lake polygons

Modeled full pool · complete mapped wetland inventory · same scale in A–D



Flooding and dam construction affect land together. Orange arrows identify the likely downstream work vicinity.

Sources: CNHP Colorado Wetlands and Potential Fens, complete 18 Sep 2026 exports; USGS terrain, streams and road. Wetland shading is strongest inside the flood zone. Numbers identify intersecting CNHP potential-fen polygons. Downstream arrows are schematic; work-area boundaries depend on the selected design.

Evidence: S09 · S11 · S26 · S30

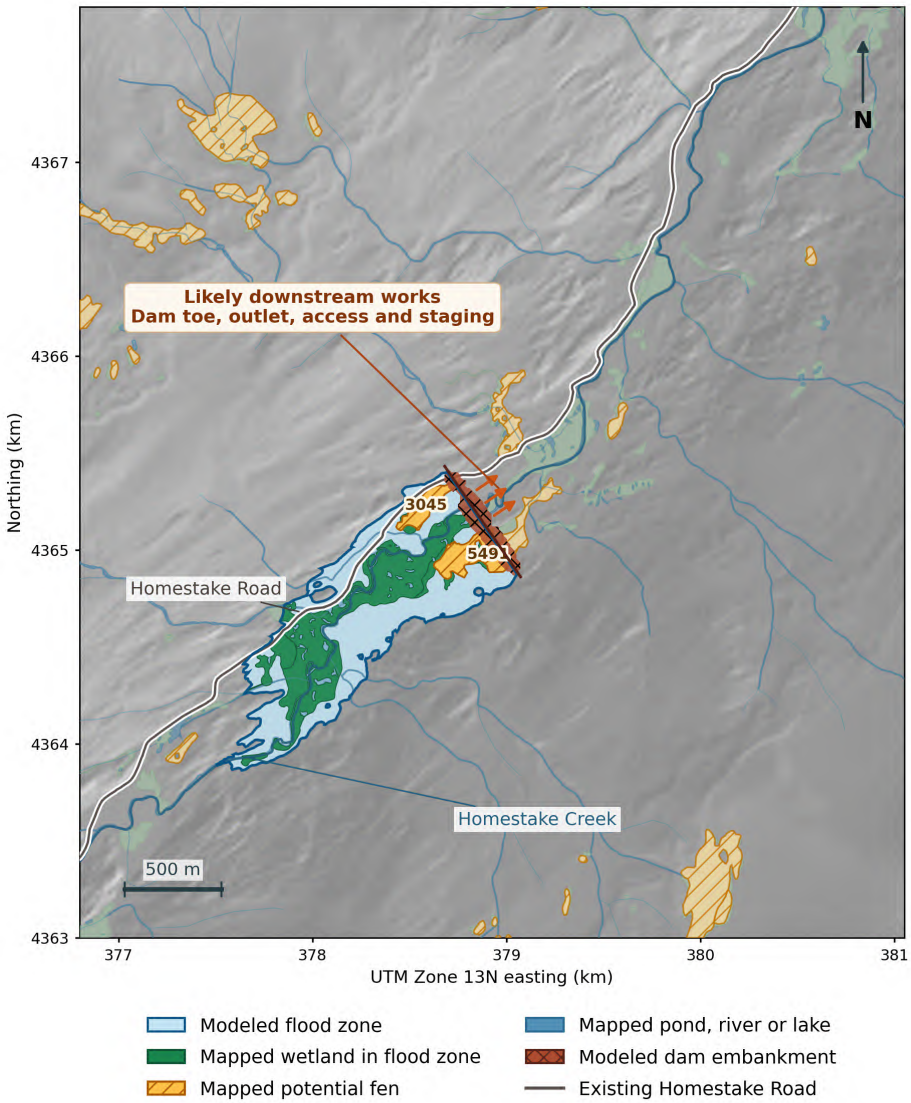
MODELED FLOOD ZONE AND DOWNSTREAM CONSTRUCTION

Alternative B: wetlands and works

Alternative B: wetlands, fens and downstream works

Flood-zone overlap: 19 wetland polygons · 2 potential fens · 42 mapped pond/river/lake polygons

Modeled full pool · complete mapped wetland inventory · same scale in A–D



Flooding and dam construction affect land together. Orange arrows identify the likely downstream work vicinity.

Sources: CNHP Colorado Wetlands and Potential Fens, complete 18 Sep 2026 exports; USGS terrain, streams and road. Wetland shading is strongest inside the flood zone. Numbers identify intersecting CNHP potential-fen polygons. Downstream arrows are schematic; work-area boundaries depend on the selected design.

Evidence: S09 · S11 · S26 · S30

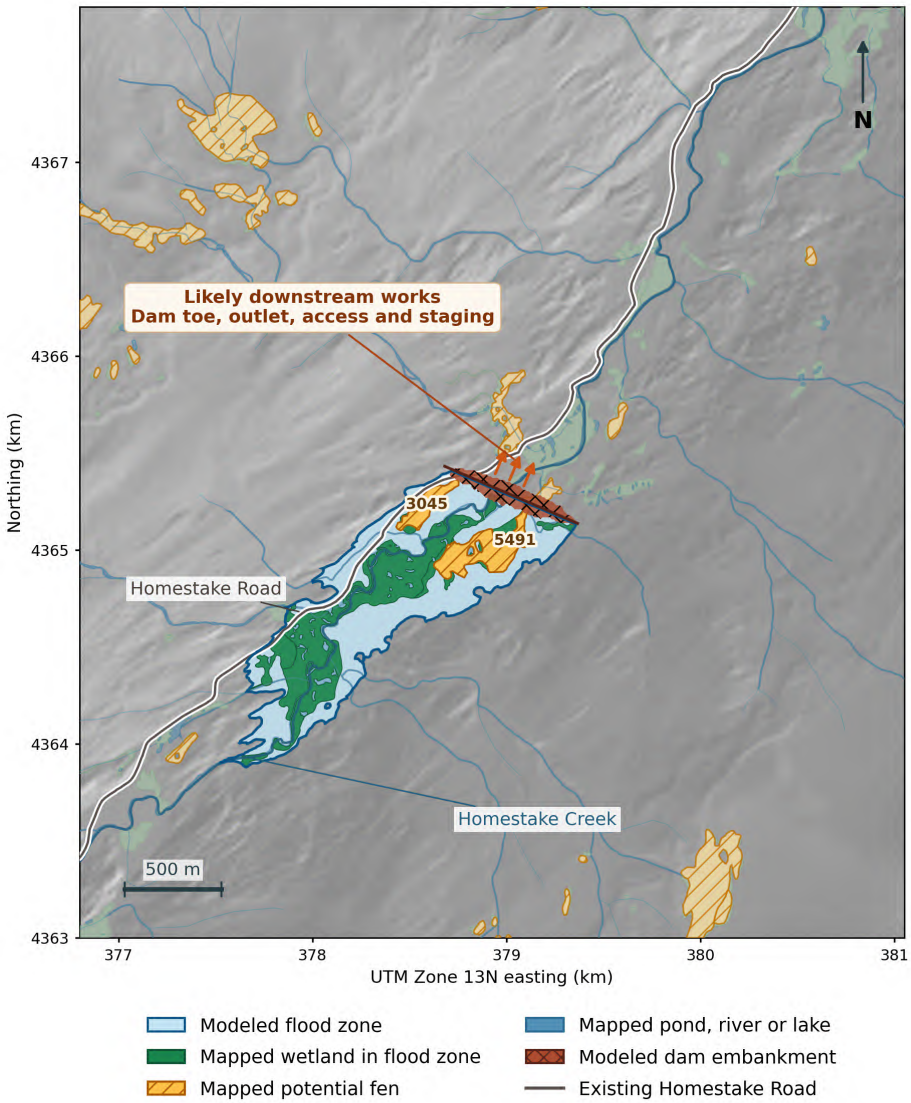
MODELED FLOOD ZONE AND DOWNSTREAM CONSTRUCTION

Alternative C: wetlands and works

Alternative C: wetlands, fens and downstream works

Flood-zone overlap: 21 wetland polygons · 2 potential fens · 46 mapped pond/river/lake polygons

Modeled full pool · complete mapped wetland inventory · same scale in A–D



Flooding and dam construction affect land together. Orange arrows identify the likely downstream work vicinity.

Sources: CNHP Colorado Wetlands and Potential Fens, complete 18 Sep 2026 exports; USGS terrain, streams and road.
Wetland shading is strongest inside the flood zone. Numbers identify intersecting CNHP potential-fen polygons.
Downstream arrows are schematic; work-area boundaries depend on the selected design.

Evidence: S09 · S11 · S26 · S30

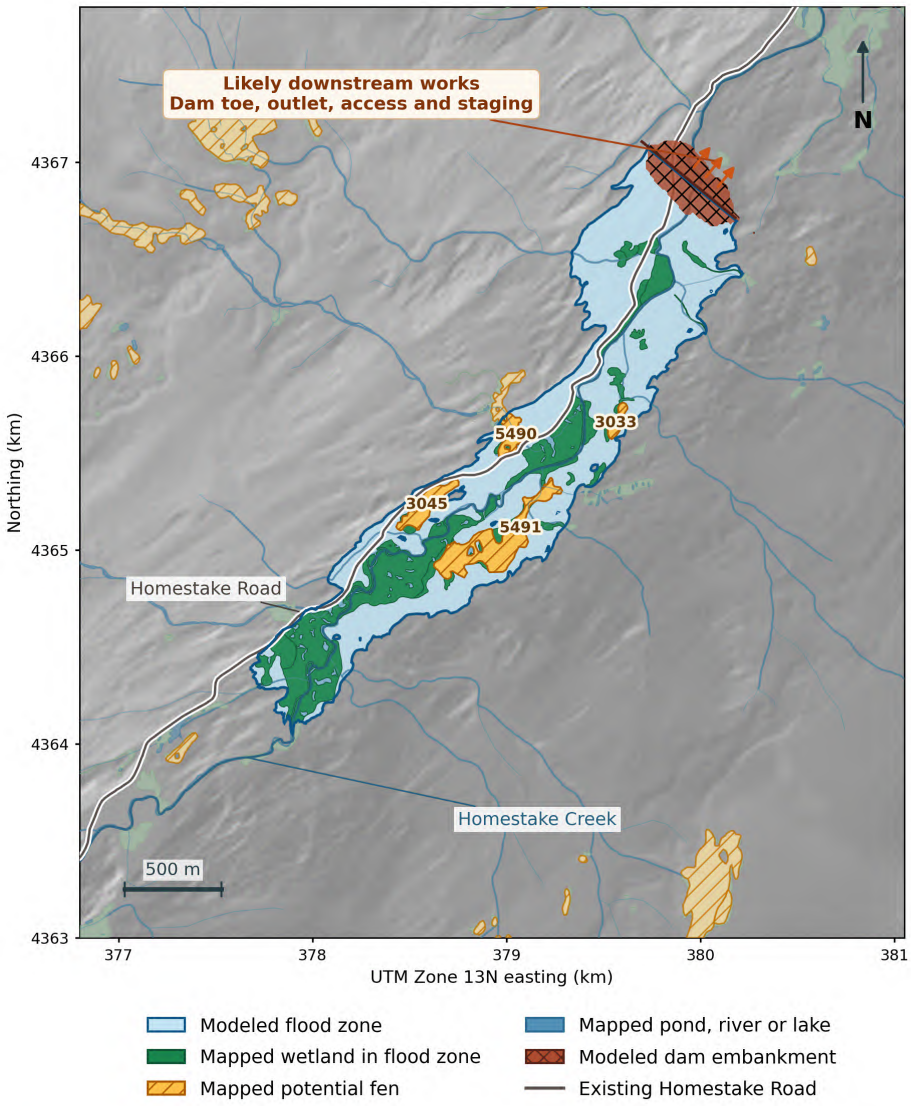
MODELED FLOOD ZONE AND DOWNSTREAM CONSTRUCTION

Alternative D: wetlands and works

Alternative D: wetlands, fens and downstream works

Flood-zone overlap: 38 wetland polygons · 4 potential fens · 74 mapped pond/river/lake polygons

Modeled full pool · complete mapped wetland inventory · same scale in A–D



Flooding and dam construction affect land together. Orange arrows identify the likely downstream work vicinity.

Sources: CNHP Colorado Wetlands and Potential Fens, complete 18 Sep 2026 exports; USGS terrain, streams and road.
Wetland shading is strongest inside the flood zone. Numbers identify intersecting CNHP potential-fen polygons.
Downstream arrows are schematic; work-area boundaries depend on the selected design.

Evidence: S09 · S11 · S26 · S30

CRITERION RECORD · EVIDENCE

Wetlands and fens

1 / Resource or issue

Wetlands and fens within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.01(17): “The Project will not significantly degrade wetlands, and riparian areas.” [S01, PDF p.19].

Appendix A directs attention to structure and function, pollutant uptake, extent, species characteristics and diversity, and floodplain function.

Standards approved October 27

The October 27 revisions expressly include fens in “Waterbody” (§109). Section 307(F) addresses fen, wetland and riparian structure, function and hydrology. Section 406 requires compliance with the watershed plans and addresses significant deterioration of wetland functions, extent and vegetation.

3 / What the evidence shows

Whitney threatens Homestake’s fens and connected wetlands. The full inventory overlay shows mapped wetlands and areas classified Potential Fen in every modeled flood zone, including shared portions of potential-fen polygons 3045 and 5491. Campaign photographs and films document the living fen complex. Permanent inundation would replace peat-forming vegetation and groundwater-fed habitat with reservoir habitat. Federal wetland guidelines recognize permanent flooding as a mechanism of habitat destruction (S28).

EPA describes fens as groundwater-fed peat systems whose natural formation can take up to 10,000 years. Federal mitigation regulations expressly identify fens as difficult to replace. The protected value includes the functioning peat, water regime and biological community accumulated here over time.

A construction condition cannot preserve a fen beneath the modeled reservoir. Any compensation proposal must therefore be tested against the full functional loss and its duration, including failure risk. Counting replacement acres or surviving transplanted plants is not a functional equivalence analysis.

Evidence: S01 · S36 · S10 · S11 · S12 · S13 · S14 · S26 · S27 · S28 · S30 · S37

CRITERION RECORD · ANALYSIS + POSITION

Wetlands and fens: the decision

4 / What remains to be resolved

Seasonal wetland/fen delineation, groundwater dependence, peat profiles, functional assessment and the actual mitigation proposal.

5 / Why it matters to this approval standard

The standard protects wetland structure and function. Permanent inundation and interrupted groundwater change the living resource the criterion addresses. Replacement performance and the duration of lost function belong in the compliance finding.

6 / Save Homestake’s position

> Save Homestake asks the Board to deny a permit where inundation or a change to groundwater would leave significant wetland loss after mitigation. The record must connect lost peat formation, habitat, filtering or recovery time to the applicable test. Compare Chapter VI §6.04.01(17) and October 27 §406(C)(3).

7 / What the Board must determine

Will the complete project significantly degrade wetland or riparian function after enforceable conditions?

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S10 · S11 · S12 · S13 · S14 · S26 · S27 · S28 · S30

CRITERION RECORD · EVIDENCE

Groundwater and peat water supply

1 / Resource or issue

Groundwater and peat water supply within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.01(16): “The Project will not significantly degrade groundwater quality.” [S01, PDF p.19].

Section 6.04.01(16) protects groundwater quality. Appendix A expressly includes aquifer recharge rates, groundwater levels, aquifer capacity, aquifer-stream interfaces and well function. Apply this with the wetland standard in (17) and the soil/geology standard in (20).

Standards approved October 27

Section 406(C)(2) expressly covers recharge, groundwater levels and aquifer capacity, and protects the capacity, function and quality of wells. Section 406(C)(3) protects wetland function. The §307 assessment extends to peripheral and downstream surface and subsurface resources.

3 / What the evidence shows

Fens depend on sustained groundwater delivery and chemistry. The utility describes collection and pumping to existing Homestake Reservoir. Dam foundations, trenches, pipelines, access works and dewatering can intercept groundwater or change its connection to the creek and peat.

The flood maps identify direct inundation; the dam and downstream-work callouts identify additional construction exposure. Excavation, trenches and dewatering can interrupt the groundwater that sustains adjoining peatland, extending harm beyond the visible reservoir edge (S27, printed pp. 16 and 32).

Evidence: S01 · S36 · S08 · S09 · S12

CRITERION RECORD · ANALYSIS + POSITION

Groundwater and peat water supply: the decision

4 / What remains to be resolved

The applicant’s seasonal water levels, gradients, chemistry, dewatering assumptions and connected surface/subsurface model.

5 / Why it matters to this approval standard

Groundwater sustains the peat, vegetation and creek relationships protected by the groundwater, wetland and soil criteria. Loss of that connection changes the resource itself, beyond any loss of surface acreage.

6 / Save Homestake’s position

> Save Homestake asks the Board to deny a permit if its operation and conditions would leave significant groundwater degradation or wetland functional loss under the governing test. Chapter VI §6.04.01(16), (17) and (20) and October 27 §406(C)(2)–(3) address the affected water, peat and habitat.

7 / What the Board must determine

Which groundwater-quality and connected wetland changes remain under the selected design and operating plan?

Under October 27 §406(A), the project must comply with the watershed plans in §307. Monitoring thresholds and responses matter to the groundwater supply that keeps peat wet.

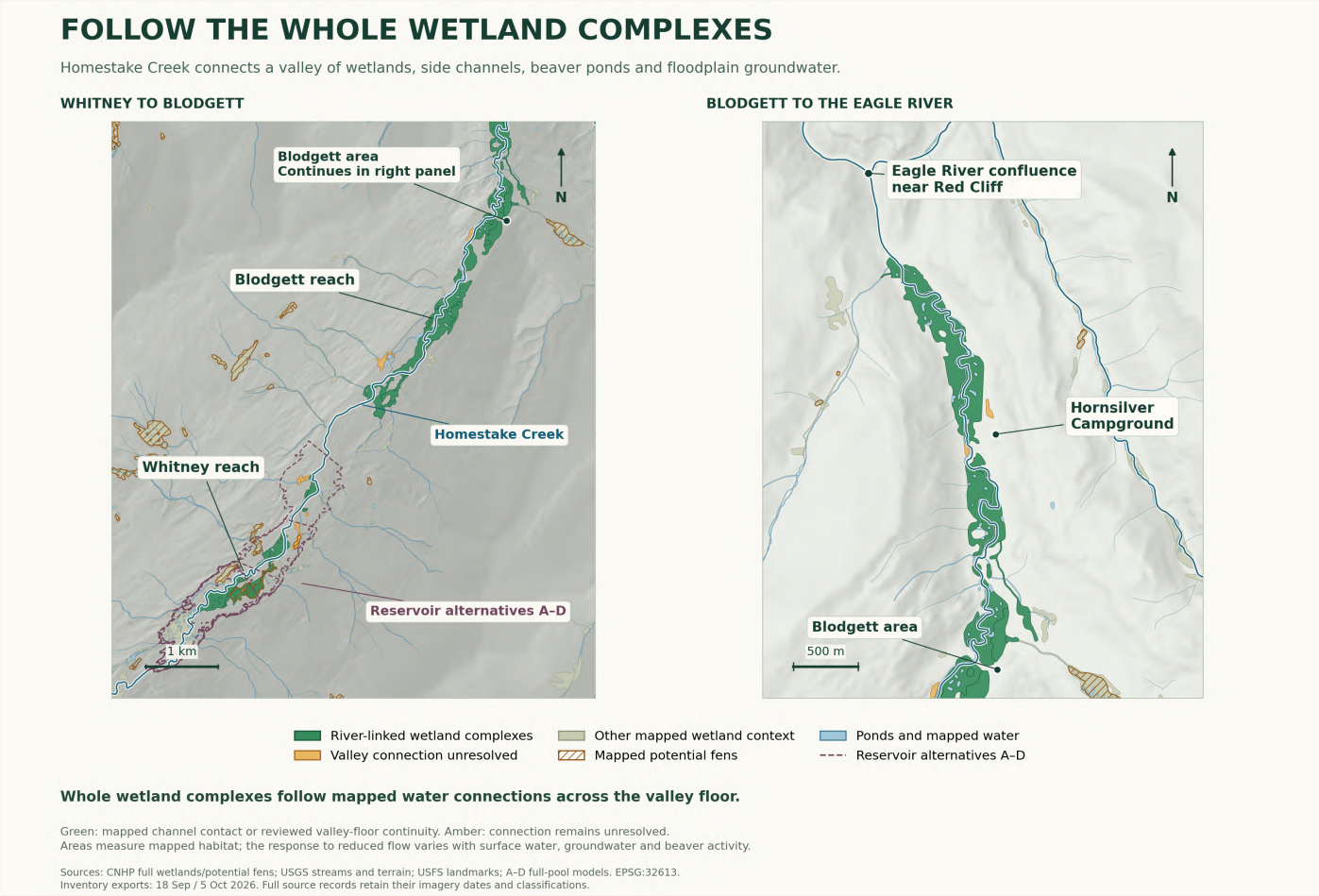
8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S08 · S09 · S12

WHITNEY, BLODGETT AND HORNSILVER TO THE EAGLE RIVER CONFLUENCE

Downstream wetlands at risk



The complete map follows Homestake Creek through the Blodgett reach, past Hornsilver Campground and to its Eagle River confluence near Red Cliff. Connected wetlands along the full corridor belong in the downstream impact argument.

The inventory follows whole wetland and pond complexes linked to Homestake Creek. Beaver ponds, side channels and shared shallow groundwater carry the creek’s influence across the valley floor. Lower creek levels can also increase drainage from adjoining wetlands supplied partly by springs or seasonal creeks. Across the Whitney-to-Eagle assessment, 36 linked complexes contain 362.1 unique acres of mapped wetland and potential-fen habitat. One 49.2-acre complex crosses the upstream assessment endpoint and is retained whole. The lower reach from Blodgett to the Eagle River confluence contains 137.0 of those acres. These are mapped habitat acres; drying varies with flow, pond levels and groundwater.

Evidence: S26 · S30 · S34

DOWNSTREAM WETLANDS AND THE CASE FOR DENIAL

Downstream water supports connected habitat

Reduced flows can lower shallow water tables and shorten the periods when the creek replenishes connected wetlands and side channels. That can leave wetland soils drier, stress willows and other water-dependent vegetation, and shrink the wet habitat that supports wildlife. The timing matters: capturing spring runoff and reducing water during dry periods can harm different parts of the same system.

Fens depend on sustained groundwater that keeps their peat saturated. Where altered creek levels or construction disrupt that supply, wetland plants can change and exposed peat can decompose, releasing stored carbon. Protecting a fen means protecting the water that keeps it alive, including the connections outside its mapped boundary.

Chapter VI and October 27 protections

Chapter VI §6.04.01(15)–(18) and Appendix A address water quality, aquifer-stream relationships, wetlands and aquatic habitat. October 27 §307 reaches peripheral and downstream surface and subsurface resources. Section 406 applies the watershed, groundwater, wetland and aquatic-habitat standards.

> The Board should deny significant downstream wetland or aquatic-habitat degradation left unresolved by mitigation and enforceable conditions. The Blodgett reach and lower-valley wetlands must be included in that finding.

Reduced water and lost willow can constrain beaver shelter, forage, movement and dam maintenance. Less beaver activity can then weaken water retention and connected wetland habitat. This reinforcing risk extends beyond the inundation boundary through actual water connections (HWF:BEAVER-HABITAT; HWF:S12; HWF:BEAVER-FEN).

Evidence: S01 · S36 · S27 · S32 · S33 · S34 · HWF:BEAVER-HABITAT · HWF:S12 · HWF:BEAVER-FEN

CRITERION RECORD · EVIDENCE

Surface water and aquatic habitat

1 / Resource or issue

Surface water and aquatic habitat within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.01(15): “The Project will not significantly degrade surface water quality.” [S01, PDF p.19].

Sections 6.04.01(15) and (18) protect surface-water quality and aquatic life/habitat. Appendix A specifically identifies flushing flows, mine-waste dilution, temperature, sediment, spawning habitat and aquatic food webs.

Standards approved October 27

Section 406(C)(1) protects flows, hydrology and water quality, including a requirement that pollutant concentrations not increase over baseline. Section 406(C)(4) protects aquatic life and habitat, including off-channel habitat, oxygen, flushing flows and spawning/egg-to-fry survival. Section 408 requires consistency with the identified water-quality and stream-management plans.

3 / What the evidence shows

Appendix K of the Community Water Plan models a mean May zinc-load reduction requirement of 140.6 kilograms at baseline versus 434.3 kilograms under New Water Infrastructure with historical hydrology. The corresponding additional dilution volume rises from 495.5 to 1,530.3 acre-feet. These are about 3.1 times baseline, holding historical metal loading fixed.

This combined scenario includes 2050 demand growth, a potential MOU infrastructure/operations pathway and Bolts Lake. The May values measure relative ecological risk and mitigation burden under changed flows; they are not additional zinc discharges, annual totals or a regulatory violation finding. The numerical exhibit gives the exact source rows and method.

Evaluate spring capture and seasonal releases separately. Tie enforceable flow and quality commitments to the affected reaches, dry-year conditions and thresholds. An average annual water balance cannot explain a seasonal water-quality failure.

Evidence: S01 · S36 · S15 · S17 · S18

CRITERION RECORD · ANALYSIS + POSITION

Surface water and aquatic habitat: the decision

4 / What remains to be resolved

Whitney-specific matched hydrographs, temperatures, concentrations, release commitments and aquatic responses.

5 / Why it matters to this approval standard

Flow timing affects dilution, temperature and habitat. A matched project/no-project analysis connects the proposed operation to the surface-water and aquatic-life standards.

6 / Save Homestake’s position

> Capturing runoff can leave less water to dilute existing mine pollution. Save Homestake asks the Board to deny a permit where the record shows that surface water or aquatic habitat would still suffer significant degradation under the applicable standard. Compare Chapter VI §6.04.01(15), (18) and October 27 §406(C)(1), (4).

7 / What the Board must determine

Would incremental quality or habitat effects remain significant under the actual operating conditions?

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S15 · S17 · S18

ORIGINAL APPENDICES CHECKED SEPTEMBER 20, 2026

Verified river-impact evidence

Whitewater opportunities • Appendix N §6, p. 22

Reach	Dry years	Wet years
Tigiwon to Dowd Junction	85% fewer days	48% fewer days
Edwards to Eagle	9% fewer days	10% fewer days

Published total whitewater boatable-day reductions: New Water Infrastructure with historical hydrology versus Baseline. The metric combines kayaking and rafting flow preferences. These percentages are the original analysts' reported results.

Zinc • Appendix K Tables 12-13, pp. 21-22

Mean May metric	Baseline	NWI-H
Load reduction to chronic rainbow-trout threshold	140.6 kg	434.3 kg
Additional discharge dilution gap	495.5 acre-feet	1,530.3 acre-feet

Mean monthly totals for the 2009-2016 assessment, holding historical loading patterns fixed while varying flow. The source narrative p. 9 rounds these to 140→434 kg and 496→1,530 acre-feet. Both comparisons are about 3.1 times baseline. Quantitative climate-change projections were excluded from this metals calculation.

The scenario boundary • Appendix C pp. 9-11

The baseline represents the plan's 2020 current conditions. NWI-H combines projected 2050 demand growth, one potential MOU infrastructure/operations pathway and Bolts Lake redevelopment under historical hydrology. These estimates describe the combined development scenario; a Whitney-only increment was not isolated.

Evidence: S15 · S16 · S17

CRITERION RECORD · EVIDENCE

Wildlife and habitat connectivity

1 / Resource or issue

Wildlife and habitat connectivity within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.01(18): “The Project will not significantly degrade terrestrial or aquatic animal life or its habitats.” [S01, PDF p.19].

Section 6.04.01(18) prohibits significant degradation of terrestrial or aquatic animal life or habitat. Appendix A names migration routes, seasonal range, calving, mating and nesting areas, threatened/endangered species, habitat features and food webs.

Standards approved October 27

October 27 §411 protects against significant deterioration of wildlife or habitat in the impact area and requires documentation of consultation with Colorado Parks and Wildlife. Section 310 covers baseline, impacts, mitigation and monitoring, including corridors and seasonal habitat. Section 406(C)(4) protects aquatic habitat.

3 / What the evidence shows

The 2019 applicant report identifies deer/elk winter range and potential sensitive-species habitat (Technical Report pp. 17-19). The campaign’s Valley Floor 1 archive documents repeated moose use of a creek-parallel route across seasons. Public photographs and films record wildlife in the wetland/forest mosaic at risk. Locations are generalized.

Save Homestake reports firsthand encounters with as many as four boreal toads in a single viewing. The assessment that this is uncommon comes from personal experience and Team Toad volunteering. These observations add a human field record of the wetland habitat at risk.

Reservoir inundation removes the existing terrestrial/wetland habitat. Roads, clearing, traffic, lighting and operation can add barriers and disturbance beyond the waterline. Habitat connectivity is itself a protected function.

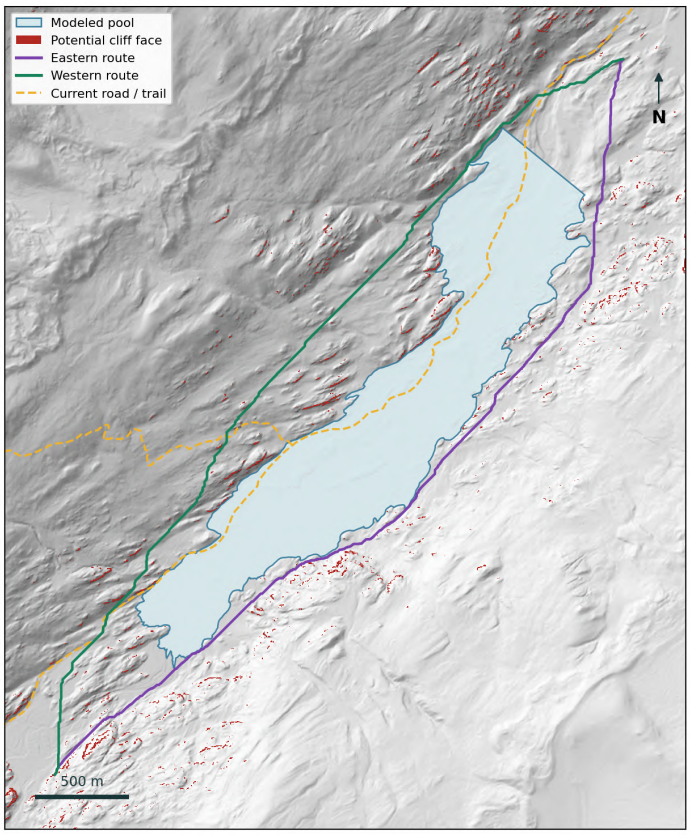
Evidence: S01 · S36 · S10 · S11 · S09

LIDAR ADDENDUM 2.0 · SEPTEMBER 24, 2026

The modeled route climbs onto valley sides

For matched down-valley gates, native cumulative ascent rises from 73.2 m in current terrain to 191.6 m in A-C and 191.3 m in D. Primary overall terrain cost rises 1.205% for A-C and 4.422% for D.

Full-pool model D



The same gates define current and reservoir comparisons. Native cumulative ascent sums uphill travel; relative terrain cost combines distance and grade. All 200 tested paths connect.

The +5% common-budget route-opportunity losses for A-D are 47.66%, 44.83%, 44.34% and 73.42%. At +10% they are 23.76%, 14.06%, 15.67% and 26.92%; at +20%, 12.21%, 7.19%, 7.95% and 14.92%. This is computational routing area, not measured habitat acreage.

Evidence: MODEL:LIDAR-2026-09-24 · S01

CRITERION RECORD · ANALYSIS + POSITION

Wildlife and habitat connectivity: the decision

4 / The supported habitat record

The dated local observations, historical breeding records, habitat context and modeled passage conditions support protection of the valley’s living network.

5 / Why it matters to this approval standard

A connected habitat supplies breeding sites, movement routes and seasonal resources. The criterion reaches those functions as well as observed animals.

6 / Save Homestake’s position

> Save Homestake asks the Board to deny a permit wherever modeled inundation, seasonal observations and recurring disturbance establish significant habitat loss or fragmentation after mitigation. Chapter VI §6.04.01(18) and October 27 §§406(C)(4), 411 address these effects.

7 / What the Board must determine

Which protected habitat functions would be lost, fragmented or significantly degraded, and what remains after mitigation?

The Board’s substantive compliance finding concerns protected wildlife and habitat. CPW consultation contributes agency expertise. Public records generalize sensitive species locations.

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S10 · S11 · S09

FIELD RECORDS + SCREENED OCCURRENCES

A growing local biological record

1,400

OBSERVATIONS

Community observations as of September 23, 2026

190

SPECIES-RANK CONCEPTS

Within 229 terminal taxonomic concepts

The September 23, 2026 snapshot contains 1,400 observations assigned to 229 terminal taxonomic concepts, including 190 species-rank concepts. Quality grades: 618 Research Grade, 778 Needs ID and four Casual.

Additional historical and locality records

An additional 233 historical and locality records include 129 eBird-derived observations and 103 specimen records. Each record includes its source, date and reported location.

Historical upper-Homestake evidence

CNHP’s 2000 survey documents boreal-toad breeding and Colorado River cutthroat trout in upper Homestake tributaries (printed p.159 / PDF p.162). CPW’s 2006-2007 monitoring adds pond drying and recruitment uncertainty (printed p.36). The records connect seasonal water persistence with the valley’s breeding and cold-water habitat.

Summer moose habitat stays close to water

Abouelezz and Hobbs studied 21 adult moose and 1,672 summer GPS locations in and near Rocky Mountain National Park during 2017-2018. About 90% were within approximately 285 m of mapped flowing or standing water; the mean was approximately 110 m. This is regional ecological evidence from that population, season and method.

Evidence: HWF:REGISTRY · HWF:V3-17 · HWF:V3-24 · HWF:V3-01

GOVERNMENT RECORD + FIELD RECORD

Lynx: status, habitat and local record

The Canada lynx in the contiguous United States is federally threatened and is listed as endangered by Colorado. A final federal critical-habitat revision became effective August 17, 2026. Its Southern Rockies Unit 6 includes designated areas in Colorado, including portions of Eagle County.

Final rule and geography

The rule was published July 16, 2026 at 91 FR 43732, with an August 17 effective date. Unit 6 geography appears at printed p.43771 / PDF p.40; the regional map follows on p.43772 / PDF p.41. The governing boundaries include textual exclusions as well as mapped designation.

The separate local record

The Save Homestake photo archive identifies a Canada lynx photographed down valley near the Blodgett reservoir option on April 2, 2017. The date and locality are supplied by the campaign archive; the photographer is not identified in the archive.

Habitat and exposure

The archive photograph, regional habitat designation and modeled reservoir exposure describe different parts of the case. Forest cover and connected prey habitat give the valley’s wildlife protection practical meaning.

Evidence: HWF:S22 · HWF:S39 · FED-ECFR-17.11-LYNX · S10 · S01

ECOLOGY EXHIBIT · SEPTEMBER 23, 2026

The connected wetland mosaic

CNHP's 2000 Eagle County survey documents boreal-toad breeding and a Colorado River cutthroat trout population in the upper Homestake tributaries. These historical records give amphibian breeding habitat and cold-water streams a documented place in the valley's conservation case.

Historical source: CNHP 2000, printed p.159 / PDF p.162 (HWF:V3-C003/004). CPW 2006-2007 monitoring, printed p.36, adds a record of pond drying and recruitment uncertainty. These findings concern the historical upper-tributary sites.

Homestake's fens, wet meadows, willow corridors, beaver ponds and streams sustain different parts of a living valley. The water connecting them matters through spring runoff, summer low flows and drought. Colorado field studies document changes to streamside vegetation below diversions and lasting damage to drained peat. Protecting Homestake means protecting the seasonal water and connected habitats that keep it alive.

Public locations are generalized to protect sensitive habitat.

> Evaluate breeding hydroperiod, peat function, cold-water refuge, prey production and movement. Eagle County should deny where significant degradation remains under an applicable standard after proposed mitigation and enforceable conditions.

Beaver-supported ponds, willow and wet ground supply amphibian breeding water, bird cover, aquatic-insect production, fish refuge and wetland forage. Loss of water or vegetation can constrain beavers and then further weaken those functions. Fens retain their groundwater-fed peat character; connected dams can influence their water regime (HWF:S12; HWF:BEAVER-FEN). The species evidence comes from regional studies and agency habitat accounts (HWF:V4-01; HWF:V3-19; HWF:V3-18; HWF:BEAVER-FISH; HWF:S04).

Evidence: HWF:V3-17 · HWF:V3-24 · S01 · S36 · HWF:S12 · HWF:BEAVER-FEN · HWF:V4-01 · HWF:S06 · HWF:V3-19 · HWF:V3-18 · HWF:BEAVER-FISH · HWF:S04

ECOLOGY EXHIBIT · SEPTEMBER 24, 2026; BEAVER UPDATE OCTOBER 5, 2026

Water, peat and the habitat they sustain

Colorado: channels, peat and beaver water

HWF:V3-ST02, Caskey et al.: 37 north-central Colorado reaches, including 16 pairs. Diversion reaches had smaller channel dimensions and vegetation shifts toward drier-site species (Methods; Table IV; pp.592-594).

HWF:V3-ST04, Schimelpfenig et al.: four restored Colorado fens. Summer water tables rose after ditch blocking, while disturbed surface peat still differed from reference peat at the site restored 20 years earlier (abstract, Table 1 and Results).

HWF:V3-ST03, Westbrook et al.: monitoring two dams in Rocky Mountain National Park found slower seasonal groundwater decline over 9 and 12 hectares, respectively. These measured areas describe the groundwater response at the two study dams (USGS abstract).

North Saint Vrain Creek: water-level and temperature records indicated a side-channel connection during June-July 2015 while an off-channel pond stayed relatively stable through October (Wegener et al. 2017, HWF:BEAVER-SAINTVRAIN). East River: a main-channel dam was built in exceptionally low-water summer 2018 (Dewey et al. 2022, HWF:BEAVER-EASTRIVER).

Wildlife and food

HWF:V3-ST01, Abouelezz and Hobbs: 21 adults, 1,672 summer GPS locations in and near Rocky Mountain National Park, 2017-2018. About 90% were within 285 metres of mapped flowing or standing water (Methods; Table 1).

HWF:V3-ST11, Rhoades et al.: upper Shasta River, California, wet 2019. Late-season drifting prey approached zero below one diversion while streambed biomass could be higher.

> Wet years can open lateral habitat; persistent ponds and main-channel water become more important as lateral waters disconnect. Low flow can permit seasonal dams, while prolonged drying can remove usable depth, routes and forage. Protecting this flexibility protects habitat through changing seasons (HWF:BEAVER-GUIDE; HWF:BEAVER-HABITAT).

Evidence: HWF:S31 · HWF:V3-07 · HWF:S12 · HWF:V3-01 · HWF:V3-21 · HWF:BEAVER-SAINTVRAIN · HWF:BEAVER-EASTRIVER · HWF:BEAVER-GUIDE · HWF:BEAVER-HABITAT

ECOLOGY EVIDENCE · NOVEMBER 2 LEGAL COMPARISON

Water and wetland criteria

Chapter VI §6.04.01 and Appendix A, pp. iv–vi. Appendix A helps interpret the approval criteria.

§6.04.01(15) · Surface water

Decision relevance: Magnitude, timing and duration of additional water-quality and channel change. Evidence: HWF:V3-ST02, HWF:V3-ST11, HWF:V3-C011.

§6.04.01(16) · Groundwater

Decision relevance: Which sites depend on the changed source, with the size and duration of water-level changes. Evidence: HWF:V3-ST03, HWF:V3-ST04, HWF:V3-PW01, HWF:V3-PW05.

§6.04.01(17) · Wetlands and riparian areas

Decision relevance: Direct and indirect functional loss, avoidance and duration of any replacement deficit. Evidence: HWF:V3-ST02, HWF:V3-ST03, HWF:V3-ST04, HWF:V3-ST05.

October 27 §§307(C)–(G) and 406(C)(1)–(4) connect flow, water quality, groundwater, wetlands and aquatic habitat. Section 307(E) addresses groundwater and §307(F) addresses fens and riparian areas. The revised §109 definition expressly names fens.

Evidence: S01 · S36 · HWF:S31 · HWF:V3-21 · HWF:V3-42 · HWF:S12 · HWF:V3-07 · HWF:S28 · HWF:S03 · HWF:V3-02 · HWF:V3-06 · S37

ECOLOGY EVIDENCE · NOVEMBER 2 LEGAL COMPARISON

Habitat, plants and soils criteria

Chapter VI §6.04.01 and Appendix A, pp. iv–vi. Appendix A helps interpret the approval criteria.

§6.04.01(18) · Animals and habitat

Decision relevance: Exposure and effects on the documented habitat, breeding, connectivity and food-web functions. Evidence: HWF:V3-C003, HWF:V3-C004, HWF:V3-ST06, HWF:V3-ST08, HWF:V3-ST11.

§6.04.01(19) · Plants and habitat

Decision relevance: Affected communities and expected composition, structure and productivity changes. Evidence: HWF:V3-C007, HWF:V3-ST02, HWF:V3-ST05.

§6.04.01(20) · Soils and geology

Decision relevance: Residual peat/soil loss and the credibility of replacement performance. Evidence: HWF:V3-ST04, HWF:V3-PW01.

In the October 27 package, §§307(G), 310, 406(C)(4) and 411 address animals and habitat. Sections 311 and 412 cover terrestrial plant communities, and §413 addresses soils and geology.

Evidence: S01 · S36 · HWF:V3-17 · HWF:V3-24 · HWF:V3-04 · HWF:V3-05 · HWF:S11 · HWF:S34 · HWF:V3-18 · HWF:V3-21 · HWF:V3-34 · HWF:S31 · HWF:V3-06 · HWF:V3-07 · HWF:S28 · HWF:S03

CRITERION RECORD · EVIDENCE

Plants, peat and soils

1 / Resource or issue

Plants, peat and soils within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.01(19): “The Project will not significantly deteriorate terrestrial plant life or plant habitat.” [S01, PDF p.19]. Read (19) with (20): “The Project will not significantly deteriorate soils and geologic conditions.”

Section 6.04.01(19) protects terrestrial plant life and habitat from significant deterioration. Appendix A includes vegetation structure, function, species composition, diversity, biomass and productivity. Section (20) separately protects soils and geologic conditions.

Standards approved October 27

Section 412 protects terrestrial plant communities. Sections 311 and 413 address vegetation evidence and soil/geologic protection; §432 governs revegetation and invasive species. Fen vegetation also falls within the watershed and wetland analysis.

3 / What the evidence shows

The applicant’s 2019 report describes forest, meadows and wetlands (p. 21). Campaign photographs and modeling show conversion of living fen vegetation to open water and reservoir shore. Its peat-forming plants, substrate and groundwater regime function together; flooding changes that system even if plants grow elsewhere.

The 1994 Homestake II decision records competent evidence of predicted wetland degradation and ineffective mitigation threatening rare moss in that earlier project. It demonstrates the legal importance of specific botanical evidence. Whitney’s findings should identify the plant communities and functions documented within its own impact area.

Evidence: S01 · S36 · S07 · S10 · S11 · S12 · S09

CRITERION RECORD · ANALYSIS + POSITION

Plants, peat and soils: the decision

4 / What remains to be resolved

Botanical community plots, peat and soil profiles, complete impact footprint and demonstrated recovery functions.

5 / Why it matters to this approval standard

Plant composition, peat structure and hydrologic support operate together. The protected resource includes the existing community and the time needed to recover its function.

6 / Save Homestake’s position

> Save Homestake asks the Board to deny a permit where inundation, excavation or altered groundwater would still cause significant deterioration of a documented plant community or habitat after mitigation. The finding should identify the community, extent, function and recovery constraints under the governing criterion.

7 / What the Board must determine

Would plant habitat or peat/soil condition significantly deteriorate after enforceable conditions?

A revegetation plan for temporarily disturbed ground addresses a different impact from permanent conversion beneath a reservoir.

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S07 · S10 · S11 · S12 · S09

CRITERION RECORD · EVIDENCE

Recreation and public experience

1 / Resource or issue

Recreation and public experience within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.01(11): “The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.” [S01, PDF p.19].

Section 6.04.01(11) protects the quality and quantity of recreational opportunities and experience. Appendix A names visitor days, rafting/kayaking seasons, fisheries, flows and reservoir levels, access, trails, wilderness experience and solitude.

Standards approved October 27

Section 423 retains a significant-degradation standard for opportunities and experience in the Impact Area. Section 321 requires recreation assessment, including access, boating, fishing seasons and heat closures, trails and wilderness experience.

3 / What the evidence shows

The applicant’s 2019 report identifies FR703 access to Gold Park Campground, Holy Cross Wilderness trailheads and Homestake Reservoir, and camping, hiking, fishing, boating and wildlife viewing (p. 22). Campaign photographs and modeling depict the existing landscape and its conversion. Road access connects visitors with these public places; construction and reservoir operations can change how they are reached and enjoyed.

Appendix N reports 85% fewer whitewater boatable days in dry years and 48% fewer in wet years on the Tigiwon-to-Dowd reach in the combined New Water Infrastructure historical-hydrology scenario. Edwards-to-Eagle losses are 9% and 10%. These are modeled flow opportunities for kayaking and rafting, not measured Whitney-only losses.

Loss of an existing river or trail experience matters under Chapter VI §6.04.01(11) and October 27 §423. Access, safety, season and reservoir operations determine what recreation the project would actually offer.

Evidence: S01 · S36 · S10 · S11 · S15 · S16 · S09

CRITERION RECORD · ANALYSIS + POSITION

Recreation and public experience: the decision

4 / What remains to be resolved

Applicant’s access and closure schedule, operational water levels, existing-use record and recreational effects.

5 / Why it matters to this approval standard

The code protects the experience people already have here, including access, season, scenery and quiet. The Board must evaluate changes to that existing experience.

6 / Save Homestake’s position

> Save Homestake’s position: The code protects the quality of recreation, not just a count of replacement amenities. Deny if the evidence shows significant loss of the existing stream, trail, habitat-viewing or wilderness experience after evaluating the recreation actually proposed and the harm that remains.

7 / What the Board must determine

Would the quality or quantity of existing recreation significantly decline after proposed measures?

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S10 · S11 · S15 · S16 · S09

CRITERION RECORD · EVIDENCE

Noise, roads, power and maintenance

1 / Resource or issue

Whitney would bring an operating system into a landscape valued for quiet, wildlife and public recreation. Pumps, electrical equipment, access roads and conveyance facilities need recurring service. Noise, traffic, light and repair activity belong in the permit decision throughout the project's life.

2 / The Chapter VI criterion

§6.04.01(21): "The Project will not cause a nuisance." [S01, PDF p.19].

Section 6.04.01(21) prohibits a nuisance. Appendix A identifies dust, fumes, glare, heat, noise, vibration, artificial light and traffic. Recreation and visual criteria, (11) and (14), separately protect public experience and scenery.

Standards approved October 27

Section 429 protects use and enjoyment of property in the Impact Area and existing owners from nuisance. Sections 425-426 address traffic and road costs; §§430, 410, 423 and 431 address dust, air, recreation and scenery. Section 327 requires construction and operation nuisance assessment.

3 / What the evidence shows

CSU describes pumping and conveyance (S08, p. 1; S29). Construction introduces equipment, haul traffic, excavation and work areas. During operation, pumps and associated equipment can produce recurring noise and vibration; inspections and repairs add service traffic and renewed work. The field archive documents the present landscape and use (S10).

The Homestake II decision records evidence of noise, dust and tunnel-work effects on recreation and scenery that supported denial of that earlier design (S07). For Whitney, the component tables identify the sources and phases to evaluate against the valley's existing quiet and uses.

Evidence: S01 · S36 · S07 · S08 · S10 · S29

CRITERION RECORD · ANALYSIS + POSITION

Noise, roads, power and maintenance: the decision

4 / What remains to be resolved

Applicant’s equipment, receptor, noise, vibration, traffic, lighting and maintenance assessments for construction and operation.

5 / Why it matters to this approval standard

Recurring operation and maintenance can affect the same quiet, access and enjoyment exposed during construction. The nuisance test applies to the actual disturbance left after controls.

6 / Save Homestake’s position

> Save Homestake asks the Board to deny a permit wherever construction or operation leaves a nuisance under the applicable test. Chapter VI §6.04.01(21) and October 27 §429 address nuisance. Separate recreation and scenery protections appear in Chapter VI (11), (14) and October 27 §§423, 431.

7 / What the Board must determine

Will construction or continued operation cause a nuisance after the proposed controls?

The finding should identify the affected uses, sound and vibration characteristics, timing, lighting, haul/service traffic, closures and maintenance schedule. Assess equipment enclosures, hours and other controls against the actual disturbance that remains.

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S07 · S08 · S10 · S29

CRITERION RECORD · EVIDENCE

Landscape, cultural and historic resources

1 / Resource or issue

Landscape, cultural and historic resources within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.01(14); §6.04.01(22): “The Project will not significantly degrade existing visual quality. / The Project will not significantly degrade areas of paleontological, historic, or archaeological importance.” [S01, PDF p.19].

Chapter VI §6.04.01(14) addresses existing visual quality and (22) protects places of paleontological, historic or archaeological importance. October 27 §§431 and 424 respectively cover these resources within the impact area. Sections 329 and 322 specify the associated materials.

3 / What the evidence shows

The field views and reservoir model show conversion of the creek, wetland and forest setting. Dam works, pump buildings, cleared access, portals and electricity supply would add to the visual change. Their selected locations and the final operating range remain unresolved.

The Camp Hale-Continental Divide proclamation recognizes Ute relationships and military history in this mountain landscape. These connections give the cultural review its human importance. Section 106 review addresses effects on historic properties and includes consultation with affected Tribes; confidential cultural-resource locations retain their protection.

Flooding, excavation, blasting or road relocation can destroy physical evidence and alter a resource’s setting.

Evidence: S01 · S36 · S08 · S10 · S11 · S21

CRITERION RECORD · ANALYSIS + POSITION

Landscape, cultural and historic resources: the decision

4 / What remains to be resolved

All-facility viewsheds and operating levels; professional inventories, significance findings and meaningful Tribal participation.

5 / Why it matters to this approval standard

Scenic character and documented historic or archaeological importance are separate protected interests. Each finding should identify the affected resource, project effect and remaining harm.

6 / Save Homestake’s position

> Save Homestake asks the Board to deny a permit when the modeled change, viewpoints and operating range show significant loss of visual quality that screening or other conditions would leave unresolved. Compare Chapter VI §6.04.01(14) and October 27 §431.

> Chapter VI §6.04.01(22) and October 27 §424 protect important cultural-resource areas. The decision turns on the documented place and the significant harm that would remain under the applicable criterion.

7 / What the Board must determine

Will documented scenery or important historic/archaeological areas suffer significant degradation after treatment?

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S08 · S10 · S11 · S21

CRITERION RECORD · EVIDENCE

Demonstrated necessity

1 / Resource or issue

Demonstrated necessity within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.02(3): “The Project shall be necessary to meet community development and population demands in the areas to be served by the Project.” [S01, PDF p.20].

Appendix A identifies reasonable growth projections, local land-use plans and relationships to other providers’ service areas.

Standards approved October 27

October 27 §§303(D) and 331(B) require the basis of projected demand in the area to be served. Article 4 omits Chapter VI’s separate necessity test. Sections 403, 409 and 434(D) still address feasibility, dependable operational supply and efficiency. The growth and facilities provisions in §434(A)–(B) are limited to projects serving the county.

3 / What the evidence shows

The March 2022 utility fact sheet presents Whitney as part of a larger supply program and describes a range of potential storage capacities. A program target and a storage volume do not quantify the specific service-area demand Whitney must meet after existing investments, conservation and reuse.

Chapter VI’s necessity criterion requires a documented link between the proposed project and the demands of its service area. Under either framework, the burden a new diversion would place on Homestake remains central to the campaign’s opposition.

Evidence: S01 · S36 · S08

CRITERION RECORD · ANALYSIS + POSITION

Demonstrated necessity: the decision

4 / What remains to be resolved

Current service-area demand, reasonable growth, existing/committed supplies, Whitney-only dependable yield and alternatives.

5 / Why it matters to this approval standard

Necessity depends on actual demand, committed supplies and dependable additional delivery. A common reliability basis makes the comparison with demand management and alternatives useful.

6 / Save Homestake’s position

> If Chapter VI §6.04.02(3) applies, Save Homestake asks the Board to deny a permit when the projected need depends on unsupported growth or demand assumptions, ignores available alternatives or fails to explain why Whitney would meet the actual need.

7 / What the Board must determine

Has the applicant demonstrated necessity under a defensible service-area demand and supply record?

Chapter VI’s application materials address alternatives. A no-Whitney portfolio offers a comparison using the same assumptions for drought reliability, cost and water delivered.

The October 27 package omits a standalone necessity finding. Even a demonstrated municipal need would not erase the ecological cost of further depletion or give either city an entitlement to flood this valley.

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S08

CRITERION RECORD · EVIDENCE

Efficient use, conservation and reuse

1 / Resource or issue

Efficient use, conservation and reuse within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.02(1): “The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.” [S01, PDF p.20].

Chapter VI §6.04.01(12) also addresses resource conservation, energy efficiency and recycling or reuse. Appendix A considers readily available conservation and recycling to the greatest extent allowed by law.

Standards approved October 27

October 27 §434(D) requires efficient planning, design and operation, including recycling and reuse. Unlike Chapter VI §6.04.02(1), it does not expressly name conservation in that standard. Sections 331(A)(3) and 331(E) require application information about conservation techniques.

3 / What the evidence shows

The proposed system collects and pumps headwater water for additional supply. Demand reduction, lawful reuse and existing-system improvements should be evaluated in dependable acre-feet, timing, cost and environmental effect. The code’s efficiency requirement concerns how the project is actually planned and operated.

The reviewed public sources do not quantify additional savings beyond measures already assumed in the baseline.

Evidence: S01 · S36 · S05 · S08

CRITERION RECORD · ANALYSIS + POSITION

Efficient use, conservation and reuse: the decision

4 / What remains to be resolved

Measured progress and remaining practicable savings, with implementation dates and independently reviewable assumptions.

5 / Why it matters to this approval standard

Measured conservation and reuse affect how much additional source water is needed and how efficiently the project operates. Crediting existing progress establishes the correct baseline for additional potential.

6 / Save Homestake’s position

> Under Chapter VI §6.04.02(1), the project must emphasize the most efficient use of water, including conservation, recycling and reuse. In the October 27 package, §434(D) addresses efficient use, and the §331 materials document conservation measures. Save Homestake asks the Board to enforce the standard that applies.

7 / What the Board must determine

Does the proposed project emphasize the most efficient use of water under the actual planning and operating record?

An enforceable efficiency condition identifies the measure, implementation date, expected savings, monitoring, funding and response if it fails. An unfunded promise leaves the water and habitat losses with Homestake.

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S05 · S08

UTILITY REPORTS + PLANNING RECORD

Conservation is already reducing demand.

Documented conservation and reuse have reduced demand in Aurora and Colorado Springs. Those gains establish the baseline for evaluating further savings and alternatives to Whitney.

Progress already reported	Additional practicable potential / interpretation
Aurora reports a 36% reduction in water use since the early 2000s and a use rate of 115 gallons per person per day. [MUN-S01]	Its stated goal is a further 10% consumption reduction by 2040. The published goal does not specify an independently reconciled annual AF saving in this record.
Aurora's 2022 ordinance restricts ornamental turf in new development. Prairie Waters supplies up to 10 million gallons daily, according to the mayor. [MUN-S02]	Capacity is distinct from actual annual production.
CSU reports per-capita consumption down 40% since 2001 and 71,960 AF delivered to its potable distribution system in 2024. [MUN-S04]	Its 2025 update cites 7,900 AF of achievable conservation savings through 2070. The cited public summary does not state an annual schedule or baseline for that total. [MUN-S05]
CSU reports 276 AF/year of savings from 2024 conservation work. [MUN-S05]	The 276 AF/year completed-program figure and any Whitney-only dependable annual yield use different scopes unless they are placed on the same reliability, timing and legal-availability basis.

Outdoor demand is a useful planning category

Aurora's mayor describes outdoor irrigation as historically about 50% of total annual use; CSU's 2022 plan estimates irrigation at about 40% of annual potable demand. Those dated scopes identify a demand-management opportunity. Current additional annual savings remain unquantified by those dated percentages. [MUN-S02; MUN-S06]

Compare annual savings with annual dependable supply. The 6,850-20,000 AF Whitney storage concepts are a capacity measure, not an annual-yield denominator.

Evidence: MUN-S01 · MUN-S02 · MUN-S04 · MUN-S05 · MUN-S06 · S08

CRITERION RECORD · EVIDENCE

Dependable supply and feasible operation

1 / Resource or issue

Dependable supply and feasible operation within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.01(5): “The Project is technically and financially feasible.” [S01, PDF p.19].

Chapter VI §6.04.01(5) addresses technical and financial feasibility, §6.04.02(3) addresses necessity and §6.04.01(8) protects local service capacity. Appendix A includes reductions in water available for future county supply.

Standards approved October 27

Section 409 expressly requires adequate supplies for current and future operational needs in quantity, quality and dependability. Section 403 requires technical and financial feasibility, including operation, mitigation and monitoring costs. Section 308 requires sources, legal rights, amounts, diversion changes, existing uses and alternative supplies.

3 / What the evidence shows

The utility’s March 2022 sheet gives Whitney storage concepts ranging from 6,850 to 20,000 acre-feet and describes uphill pumping to existing Homestake Reservoir. Storage capacity, annual deliveries and drought reliability measure different things. The key question is what additional useful water the proposed operation can reliably provide.

Senior rights, governing agreements, refill opportunities, consecutive dry years, evaporation, release commitments, conveyance capacity and power-dependent pumping affect dependable delivery. Reservoir drawdown also changes scenery, exposed bed, habitat, dust and recreation.

Evidence: S01 · S36 · S08 · S22

CRITERION RECORD · ANALYSIS + POSITION

Dependable supply and feasible operation: the decision

4 / What remains to be resolved

Whitney-only annual/dry-year yield, refill, senior-right constraints, environmental releases, pumping limits and life-cycle costs.

5 / Why it matters to this approval standard

Reliable delivery depends on physical capacity, legal availability, refill and dry-year operation. These conditions connect the supply promise to feasibility and necessity.

6 / Save Homestake’s position

> Save Homestake asks the Board to deny a permit if the applicant fails the governing feasibility or supply standard. Chapter VI §6.04.01(5) addresses technical and financial feasibility. In the October 27 package, §§403 and 409 address feasibility and adequate, dependable operational supply.

7 / What the Board must determine

Are the proposed system and promised deliveries technically and financially feasible under the governing record?

Explain which promised deliveries remain dependable and which rely on conditions that are not secured.

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S08 · S22

CRITERION RECORD · EVIDENCE

County benefits and resource losses

1 / Resource or issue

County benefits and resource losses within the complete construction and operating impact area.

2 / The Chapter VI criterion

§6.04.01(24): “The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing, commercial or industrial resources within the County, or the losses of opportunities to develop such resources.” [S01, PDF p.20].

Section 6.04.01(24) requires benefits accruing to Eagle County and its citizens to outweigh losses of natural, agricultural, recreational, grazing, commercial or industrial resources, or opportunities to develop them. Section (10) separately protects current and foreseeable local economic sectors; (9) prohibits an undue financial burden on County residents.

Standards approved October 27

Article 4 of the October 27 package omits a standalone test weighing county benefits against resource losses. Section 422 addresses significant degradation of any segment of the county economy. Sections 419 and 420 address local government services and undue tax burden. Environmental standards protect individual resources.

3 / What the evidence shows

The utility fact sheet identifies a broader MOU goal of 20,000 acre-feet of average annual East Slope supply and 10,000 acre-feet of firm dry-year West Slope supply. Those are program goals. The Board needs binding, incremental benefits attributable to Whitney, compared with permanent losses in Homestake.

CROA estimates 2024 Upper and Lower Eagle commercial rafting direct expenditures at a combined $1,513,348 across 9,200 user days. Appendix N documents modeled boating-day reductions under the combined development scenario. Together they identify an existing livelihood pathway exposed to flow changes.

Evidence: S01 · S36 · S08 · S16 · S19

CRITERION RECORD · ANALYSIS + POSITION

County benefits and resource losses: the decision

4 / What remains to be resolved

Binding County deliveries and other benefits, recipients, timing and reliability; permanent losses and future opportunities.

5 / Why it matters to this approval standard

Chapter VI weighs county benefits against losses of local resources and opportunities. The permanence of the losses, the location of benefits and the reliability of commitments all matter to that comparison.

6 / Save Homestake’s position

> If Chapter VI §6.04.01(24) applies, Save Homestake asks the Board to deny where county benefits fail to outweigh documented local losses. Under the October 27 package, §422 addresses economic harm and separate environmental standards protect water, wetlands, wildlife and recreation.

7 / What the Board must determine

Do benefits accruing to Eagle County and its citizens outweigh County resource and opportunity losses?

Compare enforceable local deliveries, reliability and fiscal benefits against lost habitat, recreation, access, economic opportunity and ongoing management costs. Account for permanence and who receives the benefits and bears the costs.

8 / Evidence

Direct source links appear below. Original code, applicant and ecological exhibits are reproduced at the end of this dossier; the source register retains document pinpoints.

Evidence: S01 · S36 · S08 · S16 · S19

RIGHTS, BOUNDARIES AND JURISDICTION

Protect the public-land setting

Save Homestake opposes any change to the Holy Cross Wilderness boundary. The valley’s protected setting and public access must be considered across all facilities and routes, including the conveyance system and recurring maintenance.

Property rights and approvals

Chapter VI §6.04.01(1) and October 27 §404 require the necessary property rights, permits and approvals before site disturbance. They allow the Board to defer a final decision until outstanding approvals are secured. The location of facilities and access routes determines which ownership and protected-land requirements apply.

A water right authorizes what its decrees provide; the County’s land-use criteria remain an independent approval requirement. Homestake II upheld denial of a particular noncompliant design while recognizing the cities’ underlying water rights (S07).

Connected effects and geographic authority

October 27 §109 defines the impact area by the project’s likely effects. Including territory within another political subdivision depends on a Board agreement for cooperative regulation across both jurisdictions. Water and wildlife can carry a project’s effects well beyond the shoreline.

> The Board should enforce every applicable County protection across the connected project. Neither a water right nor an approval from another agency establishes compliance with all County criteria.

Evidence: S01 · S36 · S07 · S09 · S21 · S29

ECOLOGY EXHIBIT · SEPTEMBER 23, 2026

The ecological case for protection

The mapped wetland mosaic supplies the resource record. Colorado studies explain why water timing, peat and connected ponds matter. Our modeled reservoir flood zones place a shared part of that landscape under water.

The lidar analysis adds a physical consequence: the easiest modeled passage climbs onto valley sides, with fewer routes available within modest terrain-cost budgets.

> Save Homestake asks Eagle County to deny Whitney where the applicable standards cannot be met or ensured through enforceable conditions. Protection has to preserve ecological function through the seasons, including peat, breeding water, cold-water habitat and movement.

Evidence: S01 · S36 · HWF:V3-07 · HWF:S31

ATTRIBUTED POSITION · FOR THE BOARD’S EVALUATION

Save Homestake’s requested findings

The finding must connect harm to the rule

A defensible finding connects the effective rule to a documented project effect, the applicable threshold, the mitigation record and the resulting compliance conclusion. One unmet applicable criterion can support denial, while independent supported grounds remain separate.

A proposed fen finding

> If the selected footprint and mitigation evidence establish that inundation would replace a groundwater-fed peat community with reservoir habitat, Save Homestake asks the Board to find the resulting loss of wetland function significant. The finding should identify the residual harm and the enforceable conditions considered. If the governing test remains unmet, the Board should deny the permit. Compare Chapter VI §6.04.01(17) and October 27 §406(C)(3).

The modeled consequences correspond to the displayed alternative and elevation.

Scope of the conditional finding

The conditional language depends on a selected project footprint, project-specific hydrology and functions, and a mitigation record using comparable functions and time periods. Our models identify potential flooding at the studied dam sites; the final project design has not been selected.

The Board should state which offered conditions it considered and why they do or do not ensure compliance. Unrelated supply benefits do not erase a failed individual environmental standard in either version.

Evidence: S01 · S36 · S06 · S07 · S10 · S11

THE OCTOBER 27 PACKAGE

Watershed protection and the route to review

Fens, groundwater and downstream habitat

Fens are expressly included in “Waterbody” under revised §109. Sections 307 and 406 connect flow, groundwater, wetland function and aquatic habitat, including downstream resources. Sections 307 and 310 require documentation of consultation with Colorado Parks and Wildlife and describe monitoring. Those protections matter to the wetlands and streams draining to the Eagle River.

When a designated activity can qualify for an exception

Revised §§105(C) and 201 require two things. The activity was or will be reviewed and approved through a county subdivision, planned unit development or special-use process. The Director must also determine that adverse impacts will be or have been adequately mitigated through county land-use regulations and other state or federal permits. This exception begins when the 2026 general land-use regulations take effect or July 1, 2027, whichever comes first.

Public notice of a finding of no significant impact

Under §204, the Director may issue a FONSI if Article 4 standards are met without mitigation or impacts will be adequately mitigated through county, state or federal permitting. The Director must publish notice and reasons in the county legal newspaper within 21 days after the determination. Within 28 days after publication, the Board may decide to reconsider at its next properly noticed meeting. Section 601 separately requires publication of the activity order and a site sign at least 21 days before construction.

Under §301(B), the Director may waive irrelevant application materials. Applicable Article 4 standards still govern a permit decision.

> Save Homestake supports express tests of necessity, local benefits versus resource losses and the least damaging alternatives. The October package retains individual environmental standards. The valley deserves protection even if the cities demonstrate demand.

Evidence: S01 · S05 · S35 · S36 · S37

INSPECT THE ORIGINAL RECORD

Source register

GOVERNMENT RECORD

S01 · Eagle County, published Chapter VI before the 2026 rewrite

Chapter VI comparison text. EnCode PDF pp. 16–17, decision rule; pp. 19–20, criteria; pp. 24–29, Appendix A considerations. The County-linked legacy layout uses different pagination.

https://online.encodeplus.com/regs/eaglecounty-co/export2doc.aspx?pdf=1&tocid=001.005

GOVERNMENT RECORD

S02 · Eagle County, September 15, 2026 proposed 1041 regulations

September 15 draft retained for the history of the rulemaking. The October 27 vote approved the hearing texts S36 and S37.

https://drive.google.com/file/d/1B_zzF_EPkCM-EEesowGCpAxUNJlpGcuJ/view

GOVERNMENT RECORD

S03 · Eagle County, active application LUR-009633-2026

County project entry for LUR-009633-2026. The hearing was held October 27. Its decisions and timing provisions are in S35 and S42.

https://www.eaglecounty.us/departments___services/community_development/planning/active_land_use_applications.php

GOVERNMENT RECORD

S04 · Eagle County, September 23 staff report

September 23 staff recommendation, pp. 1 and 8, on coordinated effectiveness with the general rewrite. The Board subsequently made the 1041 rules effective on passage of a separate resolution.

https://drive.google.com/file/d/1Ds_syc5rncKAY-1eQKwARTvbt2Bu5NZt/view

GOVERNMENT RECORD

S05 · Eagle County, July 10 comparison draft

§331 alternatives analysis and §434 least-adverse alternative; compare September replacement. July printed pages are nine less than PDF page numbers.

https://drive.google.com/file/d/1bf9uCV_eMQtK57Uic9to2wWfc1n5U6Vi/view

INSPECT THE ORIGINAL RECORD

Source register

GOVERNMENT RECORD

S06 · Colorado Revised Statutes 2026, Title 24

§24-65.1-501(4): compliance and denial. Read with County conditional-approval provisions.

https://olls.info/crs/crs2026-title-24.pdf

COURT DECISION

S07 · City of Colorado Springs v. Board of County Commissioners, 895 P.2d 1105

Colo. App. 1994. Homestake II wetlands and nuisance findings, competent evidence, county authority, and retained water rights.

https://law.justia.com/cases/colorado/court-of-appeals/1994/93ca0386-0.html

UTILITY STATEMENT

S08 · Colorado Springs Utilities, Eagle River Joint Use Water Project

March 2022, pp. 1-2. Broader MOU goals, Whitney storage concepts, tributary collection and pumping to existing Homestake Reservoir.

https://www.csu.org/hubfs/Document-Library/EagleRiverJointUseWaterProjectFactSheet.pdf?hsLang=en

GOVERNMENT RECORD

S09 · Homestake Partners, Whitney Reservoir geotechnical investigation application

June 25, 2019. Proposed investigation; alternative dam alignments and exploration/access maps: Technical Report Figure 1 p. 3 / PDF p. 11; Figures 3-5 pp. 6-8 / PDF pp. 14-16.

https://newspack-coloradosun.s3.amazonaws.com/wp-content/uploads/2019/11/6.25.19-Whitney-Reservoir-drilling-permit-app.pdf

FIELD RECORD

S10 · Save Homestake, public field archive and modeled reservoir comparison

Campaign photographs, films, generalized wildlife locations and testimony. Compare the four modeled reservoir alternatives in the valley explorer; field record updated September 12, 2026.

https://savehomestake.com/footage/

INSPECT THE ORIGINAL RECORD

Source register

SAVE HOMESTAKE MODEL

S11 · Save Homestake, the case and valley explorer

Campaign interpretation of the mapped fen complex and modeled reservoir alternatives. Model-based conclusions concern the displayed alternatives and water elevations.

https://savehomestake.com/evidence/

GOVERNMENT RECORD

S12 · U.S. EPA, Classification and Types of Wetlands: Fens

Groundwater-fed peat systems, characteristic hydrology and vegetation; natural formation can take up to 10,000 years.

https://www.epa.gov/wetlands/classification-and-types-wetlands#Fens

GOVERNMENT RECORD

S13 · 33 C.F.R. §332.3(e)(3), compensatory mitigation

Federal rule expressly identifies fens among difficult-to-replace resources and addresses suitable compensation. Corroborates replacement difficulty; County standards provide the local decision rule.

https://www.ecfr.gov/current/title-33/chapter-II/part-332/section-332.3

RESEARCH / SOURCE RECORD

S14 · Chimner and Cooper, Mountain Fen Restoration in Colorado: An Overview

2012, International Peat Congress. Restoration evidence and long recovery of peat physical properties. Full paper linked from the publisher record.

https://peatlands.org/document/moutain-fen-restoration-in-colorado-an-overview/

RESEARCH / SOURCE RECORD

S15 · Eagle River Community Water Plan, Appendix C

§2.1.2 p. 9: 2020 current-conditions baseline; §2.1.5 p. 11: combined New Water Infrastructure scenario.

https://drive.google.com/file/d/1LjfIm9gvxAliBvNjrBv2lwlCNfHLsl8M/view

INSPECT THE ORIGINAL RECORD

Source register

RESEARCH / SOURCE RECORD

S16 · Eagle River Community Water Plan, Appendix N: Recreational Water Uses

Table 1 p. 7; methods pp. 9-11; Table 2 p. 16; §6 p. 22. Published whitewater boatable-day results from the original appendix.

https://drive.google.com/file/d/10X4SNskDxUw2I8kSKbDLOkfTBSwFwDYz/view

RESEARCH / SOURCE RECORD

S17 · Eagle River Community Water Plan, Appendix K: Eagle Mine water quality

Methods pp. 4-6; narrative p. 9; Table 12 p. 21; Table 13 p. 22. Mean monthly zinc metrics for 2009-2016.

https://drive.google.com/file/d/1Wzb4M9aj3MpK7ceQQq1EQDhWvZM-xfKQ/view

RESEARCH / SOURCE RECORD

S18 · Eagle River Community Water Plan, main report

Revised October 2024, pp. 22-25 and 68-69. MOU scenario, seasonal effects and additional upper-basin assessment needs. Portal: lotic.quarto.pub/community_water_plan/.

https://drive.google.com/file/d/1X-ElYIsdy890a2ESMUH1IM_JHDxV4DX5/view

RESEARCH / SOURCE RECORD

S19 · CROA, 2024 Commercial Rafting Use Report

Revised August 13, 2025, PDF p. 8. Upper and Lower Eagle user days and expenditure estimates.

https://www.croa.org/wp-content/uploads/2025/08/2024-Commercial-Rafting-Use-Report-1988-2024.pdf

GOVERNMENT RECORD

S20 · Colorado Parks and Wildlife, July 16, 2026 fishing-closure announcement

Dated notice of full-day voluntary Eagle fishing closure beginning July 17, from Lake Creek to the Colorado confluence; low flows and high temperatures.

https://cpw.state.co.us/news/07162026/cpw-implements-additional-voluntary-fishing-closures-four-western-slope-rivers

INSPECT THE ORIGINAL RECORD

Source register

GOVERNMENT RECORD

S21 · Proclamation 10476, Camp Hale-Continental Divide National Monument

October 12, 2022; 87 FR 63381-63392. Documents Ute connections, the military landscape and monument protections.

https://www.federalregister.gov/documents/full_text/html/2022/10/19/2022-22810.html

RESEARCH / SOURCE RECORD

S22 · Colorado River District, Shoshone water-rights FAQ

Senior rights and river administration context. The decrees and applicable operating agreements govern the water-right context.

https://www.coloradoriverdistrict.org/faq/

GOVERNMENT RECORD

S23 · Eagle County, broader land-use-code adoption schedule

Historical schedule for the separate November 3 general land-use code and map proceeding. See the meeting agenda, S39.

https://drive.google.com/file/d/147z-yATBLAPkjABXlZ3_ms7Dd5AXazxt/view

GOVERNMENT RECORD

S26 · CNHP, Fen Mapping inventory

Complete September 18 export: 600 features across the query area covering the model. Potential Fen IDs 3033, 3045, 5490 and 5491 intersect one or more modeled alternatives; 3045 and 5491 intersect all four. See the map methods and per-feature overlap register. This is the archived older service. A September 23 query of a separate downstream envelope returned 18 older-service features and six Fens 2025 features with different geometries. Authoritative version and individual polygon correspondence between the two services remain unresolved.

https://cnhp.colostate.edu/arcgis/rest/services/Wetland_Inv/Fen_Mapping/MapServer/0

GOVERNMENT RECORD

S27 · Chadde et al., Peatlands on National Forests of the Northern Rocky Mountains

USDA Forest Service RMRS-GTR-11, 1998. Printed p. 16 / PDF p. 20: flooded sedge fen converted to aquatic vegetation; printed p. 32 / PDF p. 36: hydrology, water-level regulation and off-site disturbance. Pertinent original pages appear in the Eagle County 1041 Evidence Dossier.

https://www.fs.usda.gov/rm/pubs/rmrs_gtr011.pdf

INSPECT THE ORIGINAL RECORD

Source register

GOVERNMENT RECORD

S28 · 40 C.F.R. §230.41, wetlands effects

§230.41(b) recognizes permanent flooding as a mechanism damaging or destroying wetland habitat and productivity. General technical support for the modeled impact mechanism.

https://www.ecfr.gov/current/title-40/chapter-I/subchapter-H/part-230/subpart-E/section-230.41

UTILITY STATEMENT

S29 · Colorado Springs Utilities, draft full ERMOU development conveyance map

CSU draft map published by Aspen Journalism, July 17, 2019, linked externally. The map section uses original Save Homestake geography from USGS and a schematic of CSU's 2022 description (S08, p. 1).

https://i0.wp.com/aspenjournalism.org/wp-content/uploads/2019/07/ERMOU-Full-Build-Out-HomestakeValley-Map.jpg

GOVERNMENT RECORD

S30 · CNHP, Colorado Wetlands inventory and complete overlap register

Complete September 18 export: 2,979 features, including Colorado Heritage Program and National Wetlands Inventory sources. Source classes retained; ponds/rivers/lakes separated from mapped wetlands. The complete per-feature overlap register is linked in the web map section.

https://cnhp.colostate.edu/arcgis/rest/services/Wetland_Inv/Wetlands/MapServer/0

SAVE HOMESTAKE CALCULATION

S31 · Save Homestake, complete per-feature flood-zone overlap register

CSV lists every positive-area inventory intersection by alternative, source, feature ID, source classification and modeled area. Companion methods preserve input hashes, dissolved totals and complete-export checks. September 20, 2026 model.

https://savehomestake.com/assets/evidence/whitney-wetland-fen-overlap.csv

RESEARCH / SOURCE RECORD

S32 · National Research Council, Riparian Areas: Functions and Strategies for Management

2002, chapter 3, printed pp. 149-150. Reduced flows and diversions alter riparian water supply; reduced overall flows can lower water tables and stress vegetation. Supports the downstream harm mechanism.

https://www.nationalacademies.org/read/10327/chapter/5

INSPECT THE ORIGINAL RECORD

Source register

GOVERNMENT RECORD

S33 · CNHP / USFS, Inventory of Fens in White River National Forest

July 2025. Executive summary and printed p. 1: sustained saturation, groundwater supply and protection of contributing watersheds. Printed p. 36: disturbed hydrology, peat decomposition and carbon release.

https://cnhp.colostate.edu/download/documents/2025/Inventory_of_Fens_in_the_WRNF_FINAL.pdf

SAVE HOMESTAKE CALCULATION

S34 · Save Homestake, connected downstream wetlands and source record

October 6, 2026 mapping uses the September 18 and October 5 CNHP and USGS inventories. Complete wetland and pond polygons, channel connections and valley-floor terrain identify connected habitat. Potential-fen classifications and reservoir overlaps are identified separately.

https://savehomestake.com/assets/evidence/mapping-methods.html

RESEARCH / SOURCE RECORD

HWF:V3-17 · Biological Survey of Eagle County, Colorado

Printed p. 159, PDF p. 162; Holy Cross City PCA; cottongrass account;

https://cnhp.colostate.edu/wp-content/uploads/download/documents/2000/Eagle_County_Survey.pdf

RESEARCH / SOURCE RECORD

HWF:V3-24 · Status and Conservation of Boreal Toad 2006-2007

Printed pp. 36 and 76; site monitoring tables; Historical agency

https://spl.cde.state.co.us/artemis/nrserials/nr623016internet/nr6230162006internet.pdf

PEER-REVIEWED

HWF:S31 · Downstream effects of stream flow diversion on channel characteristics and riparian vegetation in the Colorado Rocky Mountains

Abstract; Methods; Table IV; pp. 586-598;

https://research.fs.usda.gov/download/treesearch/47750.pdf

INSPECT THE ORIGINAL RECORD

Source register

PEER-REVIEWED

HWF:V3-07 · Effectiveness of Ditch Blockage for Restoring Hydrologic and Soil Processes in Mountain Peatlands

Abstract; Table 1; Results;

https://sites.warnercnr.colostate.edu/wp-content/uploads/sites/15/2017/02/SchimCooperChimRestEcol2013.pdf

PEER-REVIEWED

HWF:S12 · Beaver dams and overbank floods influence groundwater-surface water interactions of a Rocky Mountain riparian area

Abstract and citation metadata;

https://www.usgs.gov/publications/beaver-dams-and-overbank-floods-influence-groundwater-surface-water-interactions-a

PEER-REVIEWED

HWF:V3-01 · A high-altitude thermal infrared method for estimating moose abundance and demography in Rocky Mountain National Park, USA

Methods habitat-suitability model; Table 1;

https://nsojournals.onlinelibrary.wiley.com/doi/full/10.1002/wlb3.01368

PEER-REVIEWED

HWF:V3-21 · Reduced Streamflow From Water Diversion Alters Stream Ecology and Fish Behavior

Methods and Results;

https://onlinelibrary.wiley.com/doi/full/10.1002/rra.4386

RESEARCH / SOURCE RECORD

HWF:V3-42 · Homestake water findings

September 24, 2026 public edition; recorded exports and Gold Park flow, WY2007–2024; linked annual records and methods.

https://savehomestake.com/assets/evidence/ecology-v0.3/Homestake-Hydrology-Findings-2026-09-23.md

INSPECT THE ORIGINAL RECORD

Source register

RESEARCH / SOURCE RECORD
HWF:S28 · Rocky Mountain Subalpine-Montane Fen ecological system

Diagnostics; hydrology; vegetation; associations; CNHP system

https://cnhp.colostate.edu/projects/ecological-systems-of-colorado/details/?elementID=365208

RESEARCH / SOURCE RECORD
HWF:S03 · Inventory of Fens in White River National Forest

Section 4.2; Tables 10-12; Appendix A;

https://cnhp.colostate.edu/download/documents/2025/Inventory_of_Fens_in_the_WRNF_FINAL.pdf

RESEARCH / SOURCE RECORD
HWF:V3-02 · Eagle County Chapter VI

6.03.10; 6.04.01(15)-(20); Appendix A pp. iv-vi;

https://cms5.revize.com/revize/eagle/Document%20Center/Departments%20%26%20Services/Community%20Development/Planning/Land%20Use%20Regulations/Chapter%20VI%20-%20Areas%20and%20Activities%20of%20State%20Interest%20052012.pdf

PEER-REVIEWED
HWF:V3-06 · Rapid riparian ecosystem decline in Rocky Mountain National Park

Abstract; Methods; figures;

https://pmc.ncbi.nlm.nih.gov/articles/PMC12451483/

RESEARCH / SOURCE RECORD
HWF:V3-04 · CPW Fish Distribution Schedule 2023

PDF p. 34, water 20622 and 67365; species-code legend;

https://spl.cde.state.co.us/artemis/nrserials/nr623010internet/nr6230102023internet.pdf

INSPECT THE ORIGINAL RECORD

Source register

RESEARCH / SOURCE RECORD
HWF:V3-05 · CPW Fish Distribution Schedule 2024

PDF p. 35, water 20622 and 67365; species-code legend;

https://spl.cde.state.co.us/artemis/nrserials/nr623010internet/nr6230102024internet.pdf

RESEARCH / SOURCE RECORD
HWF:S11 · Colorado River cutthroat trout species profile

About; Cutthroat Trout Taxonomy Research;

https://cpw.state.co.us/species/colorado-river-cutthroat-trout

PEER-REVIEWED
HWF:S34 · Informed breeding dispersal following stochastic changes to patch quality

Abstract; DOI metadata;

https://www.usgs.gov/publications/informed-breeding-dispersal-following-stochastic-changes-patch-quality-a-pond-breeding

PEER-REVIEWED
HWF:V3-18 · Beaver recolonization explains aquatic insect emergence patterns

Abstract; DOI 10.1086/734565;

https://www.journals.uchicago.edu/doi/10.1086/734565

RESEARCH / SOURCE RECORD
HWF:V3-34 · CNHP current tracking list, public read-only data response

2,214 returned rows; exact-name rank/status fields; accessed 2026-09-23;

https://cnhp.colostate.edu/ourdata/trackinglist/

FIELD SURVEY / TECHNICAL REPORT
HWF:FEN-2011-S01 · Malone, Carlson, Smith, Culver and Lemly (2011), Wetland Mapping and Fen Survey in the White River National Forest

CNHP report prepared for White River National Forest, November 2011. Gold Park sites 6982 and 6969; surveys September 12, 2011. Table 1, printed p.5; site accounts printed pp.92–99 (PDF pp.96–103), especially pp.92,94,97–98.

https://cnhp.colostate.edu/download/documents/2011/WRNF_Wetland_Report_2011_final.pdf

INSPECT THE ORIGINAL RECORD

Source register

SAVE HOMESTAKE CALCULATION

HWA:S-GP-ANNUAL · Matched Gold Park annual inputs, WY2007-2024

18 annual rows; tunnel_export_13704614_af and flow_af_observed_days; verified September 23, 2026.

https://savehomestake.com/assets/evidence/water/2026-09-23/goldpark-matched-annual.csv

SAVE HOMESTAKE CALCULATION

HWA:S-REPORT · Homestake flow, basin and closure findings, September 24 evidence edition

Public findings integrating the matched WY2007-2020 800-m PRISM water balance, signed storage, estimated water returned to the air and the amount still unexplained.

https://savehomestake.com/documents/Homestake-Flow-and-Basin-Findings-2026-09-23.pdf

SAVE HOMESTAKE CALCULATION

HWA:S-RAW · Homestake Gold Park evidence, calculations and water-accounting archive

September 24 reproducible bundle containing raw PRISM, DWR and USGS records; scripts; signed annual and storage ledgers; component-status table; workbook; SQLite database; figures; report; and SHA-256 manifests.

https://savehomestake.com/assets/evidence/water/water-bundle.zip

RESEARCH / SOURCE RECORD

HWF:REGISTRY · Homestake wildlife and flora occurrence record, v0.3

September 23 v0.3 evidence package and SQLite/CSV records. 1,400 BioBlitz observations; 229 terminal concepts, including 190 species-rank concepts; 618 Research Grade, 778 Needs ID and four Casual. Additional screened GBIF/locality records: 233, including 129 eBird-derived and 103 specimen records.

https://savehomestake.com/assets/evidence/ecology-v0.3/Homestake-Public-Ecology-Package-v0.3.zip

RESEARCH / SOURCE RECORD

HWF:FEN-2025 · CNHP fen service comparison, September 23, 2026

Identical downstream query envelope returned 18 Potential Fen features from the older service and six Fens 2025 features; geometries differ. The dated older-service overlay remains reproducible, but the services do not establish authoritative version or polygon correspondence.

https://savehomestake.com/assets/evidence/ecology-gis-reconciliation-2026-09-23.json

INSPECT THE ORIGINAL RECORD

Source register

AGENCY DATA
HWA:S-USGS-GP · USGS 09064000 Homestake Creek at Gold Park

Daily mean discharge 00060/00003, October 1, 2006 through September 30, 2024; 6,575 approved daily values, including 2,876 estimated-day qualifiers; verified September 23, 2026.

https://waterdata.usgs.gov/monitoring-location/USGS-09064000/

AGENCY DATA
HWA:S-TUNNEL · DWR Homestake Tunnel monthly diversion records

Water class 13704614; Approved 216 monthly records for WY2007-2024; verified September 23, 2026.

https://dwr.state.co.us/Rest/GET/api/v2/structures/divrec/divrecmonth?wdid=3704614&format=json

AGENCY DATA
HWA:S-RESERVOIR · DWR Homestake Reservoir storage and evaporation accounts

Evaporation classes 36604, 36796, 178123; reservoir-stage-volume.json endpoints 2006-09-30 and 2024-09-30; verified September 23, 2026.

https://dwr.state.co.us/Rest/GET/api/v2/structures/divrec/divrecmonth?wdid=3704516&format=json

AGENCY DATA
HWA:S-REDCLIFF · DWR-published USGS 09064500 Red Cliff water-year flow

WY2007-2011, totalQAf; record dataSource=USGS; preserved September 20 vintage, daily-USGS cross-check September 23; verified September 23, 2026.

https://dwr.state.co.us/Rest/GET/api/v2/surfacewater/surfacewatertswateryear?usgsSiteId=09064500&format=json

AGENCY DATA
HWA:S-COLLECTORS · DWR five Homestake collector monthly records

WDIDs 3701253, 3701254, 3701255, 3701256, 3704644; total-capture water class 10000000 + WDID; 660 Approved monthly records in WY2014-2024; verified September 23, 2026.

https://dwr.state.co.us/Tools/Structures

INSPECT THE ORIGINAL RECORD

Source register

SAVE HOMESTAKE CALCULATION

HWA:S-TOPOLOGY · Gold Park basin: existing intakes and reservoir

The five existing tributary intakes and Homestake Reservoir lie upstream of the Gold Park gauge.

https://savehomestake.com/assets/evidence/water/2026-09-23/goldpark-topology-verification.json

SAVE HOMESTAKE ANALYSIS

HWA:S-WHITNEY-GAP · Whitney storage and dependable-yield evidence record

Public sources identify Whitney storage concepts and a broader project objective, but do not establish Whitney-only dependable annual or dry-year yield. Evidence reviewed through September 23, 2026.

https://savehomestake.com/evidence/record/#PROJECT:YIELD

GOVERNMENT RECORD

HWF:S22 · U.S. Fish and Wildlife Service, final Canada lynx critical-habitat rule

43732/PDF1 effective date; 43771/PDF40 Unit6 geography; 43772/PDF41 Unit6 map; 43768-43769/PDF37-38 boundary rule. Official source checked September 23, 2026.

https://www.govinfo.gov/content/pkg/FR-2026-07-16/pdf/2026-14299.pdf

GOVERNMENT RECORD

HWF:S39 · Colorado Parks and Wildlife, lynx species profile

Protection Status; Threatened and Endangered. Official source checked September 23, 2026.

https://cpw.state.co.us/species/lynx

GOVERNMENT RECORD

FED-ECFR-17.11-LYNX · 50 CFR 17.11(h), federal Canada lynx listing

17.11(h), Lynx, Canada [Contiguous U.S. DPS] row; eCFR displayed current to September 21, 2026. Official source checked September 23, 2026.

https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-17/subpart-B/section-17.11

INSPECT THE ORIGINAL RECORD

Source register

UTILITY STATEMENT
MUN-S01 · Aurora Water: Innovation & Sustainability

By the numbers; Future Goals. Checked September 23, 2026.

https://www.auroragov.org/residents/water/innovation

UTILITY STATEMENT
MUN-S02 · Here's how Aurora's leading water conservation

Outdoor irrigation paragraph; 2022 ordinance paragraph; Prairie Waters paragraph. Checked September 23, 2026.

https://www.auroragov.org/cms/One.aspx?pageId=21177882&portalId=16242704

UTILITY STATEMENT
MUN-S04 · 2025 Official Statement, City of Colorado Springs Utilities revenue bonds

Printed pp6,47,52-53; PDF pp12,53,58-59. Checked September 23, 2026.

https://www.csu.org/hubfs/Document-Library/Official-Statement.pdf?hsLang=es

UTILITY STATEMENT
MUN-S05 · Utilities Board Working Committee packet

PDF pp36,41-43 of 83; slides12,17-19. Checked September 23, 2026.

https://www.csu.org/hubfs/Utilities-Board/Agendas/05-19-2025%20Working%20Committee%20Agenda%20-%20May%202025.pdf?hsLang=es

UTILITY STATEMENT
MUN-S06 · 2022 Water Efficiency Plan

pp13,18,20 and Table5 pp21-23. Checked September 23, 2026.

https://www.csu.org/hubfs/39606065/Document%20Library/2022WaterEfficiencyPlan.pdf?hsLang=en

INSPECT THE ORIGINAL RECORD

Water-accounting source register

MODELED AGENCY DATA

HWA:S-PRISM-800M · PRISM 800-m monthly precipitation and methods

AN81m/M3 800-m monthly precipitation clipped to the 35.9029-square-mile Gold Park StreamStats polygon for WY2007-2020. Total precipitation is rain plus snow water equivalent, not snowfall or peak SWE.

https://prism.oregonstate.edu/

AGENCY DATA

HWA:S-STAGEVOLUME · DWR Homestake Reservoir stage-volume endpoints

Approved storage endpoints. Exact annual changes are available for most years; only the combined September 2013 to September 2016 repair-period change is supported for that gap.

https://dwr.state.co.us/Rest/GET/api/v2/structures/divrec/stagevolume?wdid=3704516&format=json

PEER-REVIEWED

HWA:S-SNOW-SUB · Sexstone et al. 2018, Snow Sublimation in Mountain Environments

Regional process model including surface, canopy and blowing-snow sublimation. The reported 22-36% range, mean 28%, is a regional sensitivity benchmark, not a calibrated Gold Park estimate.

https://doi.org/10.1002/2017WR021172

PEER-REVIEWED

HWA:S-SNOW-FIELD · Schwat et al. 2025, Estimating Snow Sublimation in Complex Terrain

Direct East River opening estimate of 33-42 mm, approximately 8-10% of peak SWE, for one winter and one opening. Denominator and spatial scale are retained.

https://doi.org/10.1175/JHM-D-25-0022.1

PEER-REVIEWED

HWA:S-SNOW-SURFACE · Sexstone et al. 2016, Colorado surface-sublimation methods comparison

Colorado forest-opening surface-only losses equaled 13% and 17% of winter precipitation. Canopy and blowing-snow terms are outside that surface-only result.

https://doi.org/10.1002/hyp.10864

INSPECT THE ORIGINAL RECORD

Water-accounting source register

PEER-REVIEWED

HWA:S-FEN-ET · Blanken 2014, high-elevation wetland evaporation

High Creek Fen eddy-covariance study. Table 5 reports 101-353 mm of partial-season ecosystem evaporation, including the drought year. It combines vegetation, soil and wet-surface vapor flux; the mapped-fen calculation applies this analogue to 165.324 acres.

https://doi.org/10.1002/2014JG002648

GOVERNMENT GIS DATA

HWA:S-FEN-MAP · Colorado Natural Heritage Program 2025 fen mapping

Exact basin clip: 11.593 confirmed fen acres and 153.731 potential fen acres, 165.324 acres combined. Potential fen is a mapping category, not field confirmation.

https://cnhp.colostate.edu/arcgis/rest/services/Fens_2025/MapServer/0

GOVERNMENT GIS DATA

HWA:S-WETLAND-MAP · CNHP and U.S. Fish and Wildlife Service wetland inventory

Exact basin clip: 332.104 acres of vegetated and other mapped wetlands. The NWI layer overlaps mapped fens and is not added to fen acreage.

https://cnhp.colostate.edu/arcgis/rest/services/Wetland_Inv/Wetlands/MapServer/0

PEER-REVIEWED

HWA:S-GROUNDWATER · Carroll et al. 2020, groundwater controls on headwater streamflow

Colorado headwater process analogue showing interflow, groundwater contribution and groundwater-supported ET. Recharge and baseflow are internal pathways unless water crosses the accounting boundary or changes storage.

https://doi.org/10.1029/2020WR028161

GOVERNMENT RECORD

HWA:S-BYPASS · 2008 environmental assessment, Gold Park bypass condition

Printed p. 3-25 states the operating condition of 24 cfs or natural inflow, whichever is less, at Gold Park during diversion. It is an operating rule, not a biological-sufficiency finding.

https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/EA-1633-FEA-2008.pdf

INSPECT THE ORIGINAL RECORD

Water-accounting and fen-map source register

GOVERNMENT METHOD

HWA:S-R2CROSS · Colorado Water Conservation Board R2Cross program

Reach-specific instream-flow method based on hydraulic criteria including depth, velocity and wetted perimeter. It does not supply one transferable Gold Park minimum for all species, seasons or wetland systems.

https://r2cross.erams.com/

SAVE HOMESTAKE CALCULATION

HWA:S-CLOSURE-LEDGER · Gold Park water-accounting closure ledger, September 24, 2026

Machine-readable WY2007-2020 annual ledger, signed storage correction, estimated natural-process ranges, mapped-area quantities, treatment of unmeasured quantities and no-double-count rules. Companion CSVs and workbook are in the same public evidence directory.

https://savehomestake.com/assets/evidence/water/2026-09-24-closure-ledger/Homestake-Gold-Park-Water-Accounting-2026-09-24.json

AGENCY GIS INVENTORY

HWF:FEN-MAP-V2-S01 · Colorado Natural Heritage Program, Fens (CNHP 2025), Fens_2025_V2 map service

Official CNHP polygon inventory, retrieved October 10, 2026. FEN_STATUS preserves the agency classification; Source identifies the contributing survey or project.

https://cnhp.colostate.edu/arcgis/rest/services/Wetland_Inv/Fens_2025_V2/MapServer/0

SAVE HOMESTAKE ANALYSIS

HWF:FEN-MAP-ANALYSIS-S01 · Save Homestake, CNHP Fens2025V2 watershed classification and modeled-pool comparison, October 10, 2026

Official CNHP polygon geometry, complete USGS NLDI watershed boundary, class counts and A–D modeled-pool intersections. Retains source query URLs, coordinate system and hashes.

https://savehomestake.com/assets/evidence/fen-classification-2026-10-10.json

SOURCE REGISTER

Lidar corridor source and reproducible results

SAVE HOMESTAKE MODEL

MODEL:LIDAR-2026-09-24 · Whitney lidar corridor analysis, addendum 2.0

2016 lidar; native 2 m directed routes, matched central gates, 200 routes and 15 cost envelopes; September 24, 2026.

https://savehomestake.com/assets/evidence/corridor-lidar-2026-09-24/methods.html

The linked methods page includes the baseline and A-D route maps, route metrics, corridor-envelope comparison and gate-height sensitivity results.

Routes use native 2 m terrain derived from 2016 lidar. The reservoir barriers come from the separate 10 m visualizer. The +5%, +10% and +20% common-cost envelopes describe computational route opportunity; all 200 tested paths connect.

SOURCES ADDED OCTOBER 5, 2026

Beaver ecology source register

GOVERNMENT RECORD

HWF:BEAVER-GUIDE · The Beaver Restoration Guidebook, version 2.02

2023, version 2.02, printed p.3 (PDF p.13): off-channel habitat along larger rivers and seasonal main-channel dams during low flow.

https://www.fws.gov/sites/default/files/documents/The-Beaver-Restoration-Guidebook-v2.02.pdf

PUBLISHED RESEARCH

HWF:BEAVER-SAINTVRAIN · Beaver-mediated lateral hydrologic connectivity, fluvial carbon and nutrient flux, and aquatic ecosystem metabolism

Wegener et al. 2017, North Saint Vrain Creek, Colorado, May-October 2015; sections 2.1 and 3.1, Figure 5: inferred June-July side-channel surface connection and relatively stable off-channel pond levels through October.

https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2016WR019790

PUBLISHED RESEARCH

HWF:BEAVER-EASTRIVER · Beaver dams overshadow climate extremes in controlling riparian hydrology and water quality

Dewey et al. 2022, East River, Colorado: main-channel dam construction during exceptionally low-water summer 2018; seasonal hydrology and figure captions.

https://doi.org/10.1038/s41467-022-34022-0

SOURCES ADDED OCTOBER 5, 2026

Beaver ecology source register

PUBLISHED RESEARCH

HWF:BEAVER-FEN · Beaver-mediated water table dynamics in a Rocky Mountain fen

Karran, Westbrook and Bedard-Haughn 2018, Rocky Mountain fen: four intact-dam years and two post-breach years. Abstract reports raised, stabilized water tables and greater storage within a study-specific 150 m radius.

https://www.cheriewestbrook.ca/publications/16346-beaver-mediated-water-table-dynamics-in-a-rocky-mountain-fen

GOVERNMENT RECORD

HWF:BEAVER-HABITAT · Castor canadensis: American beaver

Tesky 1993, U.S. Forest Service species review, habitat, food and cover sections; stable aquatic habitat, forage, underwater shelter access and fluctuating water levels. Accessed October 5, 2026.

https://research.fs.usda.gov/feis/species-reviews/caca

ECOLOGY SOURCES USED OCTOBER 5, 2026

Beaver habitat and wildlife sources

SOURCE RECORD

HWF:V4-01 · Trends in Rocky Mountain amphibians and the role of beaver as a keystone species

Rocky Mountain amphibian trends, 2002–2011; RMNP species were too rare for most trend models.

https://www.usgs.gov/publications/trends-rocky-mountain-amphibians-and-role-beaver-a-keystone-species

SOURCE RECORD

HWF:S06 · Boreal toad species profile

About; conservation/status

https://cpw.state.co.us/species/boreal-toad

SOURCE RECORD

HWF:V3-19 · Influence of beaver dam density on riparian areas and riparian birds in shrubsteppe of Wyoming

Abstract

https://scholarsarchive.byu.edu/wnan/vol68/iss3/11/

ECOLOGY SOURCES USED OCTOBER 5, 2026

Beaver habitat and wildlife sources

PUBLISHED RESEARCH

HWF:BEAVER-FISH · Relocated beaver can increase water storage and decrease stream temperature in headwater streams

Dittbrenner et al. 2022, Washington headwater streams; abstract: increased storage and cooler downstream summer water at established relocation sites.

https://esajournals.onlinelibrary.wiley.com/doi/10.1002/ecs2.4168

SOURCE RECORD

HWF:S04 · Moose conservation and management

History of Moose in Colorado

https://cpw.state.co.us/activities/hunting/big-game/hunting-moose/moose-conservation-and-management

COUNTY RULEMAKING RECORD

October 27 vote and rule text

GOVERNMENT RECORD

S35 · Eagle County, October 27 Board hearing replay

Motions at 50:23–53:45. Corrected attachment identities at 53:01; conditional effectiveness at 53:25; counsel on a later resolution at 54:34.

https://reflect-vod-eaglecounty.cablecast.tv/internetchannel/show/7574?site=1

GOVERNMENT RECORD

S36 · October 27 Attachment 1.2, standalone 1041 rules

Board-approved base text, read with S37. Definitions and FONSI, PDF pp. 5–16; permit decisions, p. 19; watershed and wildlife, pp. 23–29 and 43–45; water-project standards, pp. 49–50.

https://eaglecounty.community.diligentoneplatform.com/document/e1e9f380-64fa-4f95-9a6c-f41135cb9945

GOVERNMENT RECORD

S37 · October 27 Attachment 1.1, revisions approved with Attachment 1.2

PDF pp. 1–2 amend §§105, 109 and 201. The redline adds fens to Waterbody and sets separate conditions and timing for the §105(C) exception.

https://eaglecounty.community.diligentoneplatform.com/document/e1b1c70f-4807-4d10-b2c7-17a536d1339f

GOVERNMENT RECORD

S38 · Eagle County, November 2 Board working-session agenda

Subsequent meeting record. No separate 1041 enacting resolution is identified in the agenda or the November 2 meetings reviewed.

https://eaglecounty.community.diligentoneplatform.com/document/34364/agenda.html

COUNTY RULEMAKING RECORD

Meeting records and transcript

GOVERNMENT RECORD

S39 · Eagle County, November 3 general land-use hearing agenda

File LUR-009660-2026 concerns the general Eagle County Land Use Regulations. It has a separate timetable from the October 27 standalone 1041 package.

https://eaglecounty.community.diligentoneplatform.com/document/34368/agenda.html

GOVERNMENT RECORD

S40 · Eagle County, October 27 hearing staff report

PDF pp. 5–6. The recommended motions address designation, approval of standalone regulations and effectiveness upon a separate enacting resolution. The actual votes appear in S35 and S42.

https://eaglecounty.community.diligentoneplatform.com/document/e7e08ca0-c62a-4394-9f20-03e58e2900e2

GOVERNMENT RECORD

S41 · Eagle County, October 27 Board hearing agenda

Agenda item M.1, LUR-009633-2026. Links the staff report, rule attachments and hearing materials.

https://eaglecounty.community.diligentoneplatform.com/document/32645/agenda.html

GOVERNMENT RECORD

S42 · Eagle County, October 27 hearing transcript

Motion 4 as corrected at 53:01, votes and motion 5 at 53:25, and counsel’s explanation at 54:34. The vote concerned countywide rules.

https://reflect-vod-eaglecounty.cablecast.tv/store-6/7574-Board-of-County-Commissi-v2/transcript.en.txt

ORIGINAL LEGAL EXHIBITS

The original evidence and rulemaking exhibits

The original map, legal excerpts and Forest Service pages retain their original page labels. The final two bookmarked exhibits reproduce the full October 27 rule package in its county-issued form.

Project map: the 2019 application's Figure 1 (technical p. 3 / PDF p. 11) locates the four alternative axes, Homestake Creek and road. It supplies geographic context for the campaign model and downstream construction callouts. Save Homestake's original water-system map appears earlier in this dossier; the utility draft remains linked as a source.

Chapter VI before the rewrite

The Chapter VI excerpts show the decision rule, approval criteria and the considerations in Appendix A.

September 15 historical draft

The September draft excerpts show the evolution of the decision rule and water-project standards. The October 27 vote adopted a different document package, S36 with the changes in S37.

September staff recommendation

The September 23 staff report recommended coordinating effective dates with the general land-use rewrite (p. 8). On October 27, the Board instead tied 1041 effectiveness to the passage of a separate enacting resolution.

Ecological evidence

The attached Forest Service pages document vegetation change following sustained fen flooding and explain hydrologic and off-site threats to peatland function. They support the mechanism evaluated in the modeled Whitney impact case.

> The last exhibits are the two-page revisions, Attachment 1.1, followed by the complete 64-page Attachment 1.2. Read them together. The October 27 motion identified both by their agenda attachment numbers.

Evidence: S09 · S01 · S02 · S04 · S27 · S35 · S36 · S37 · S42

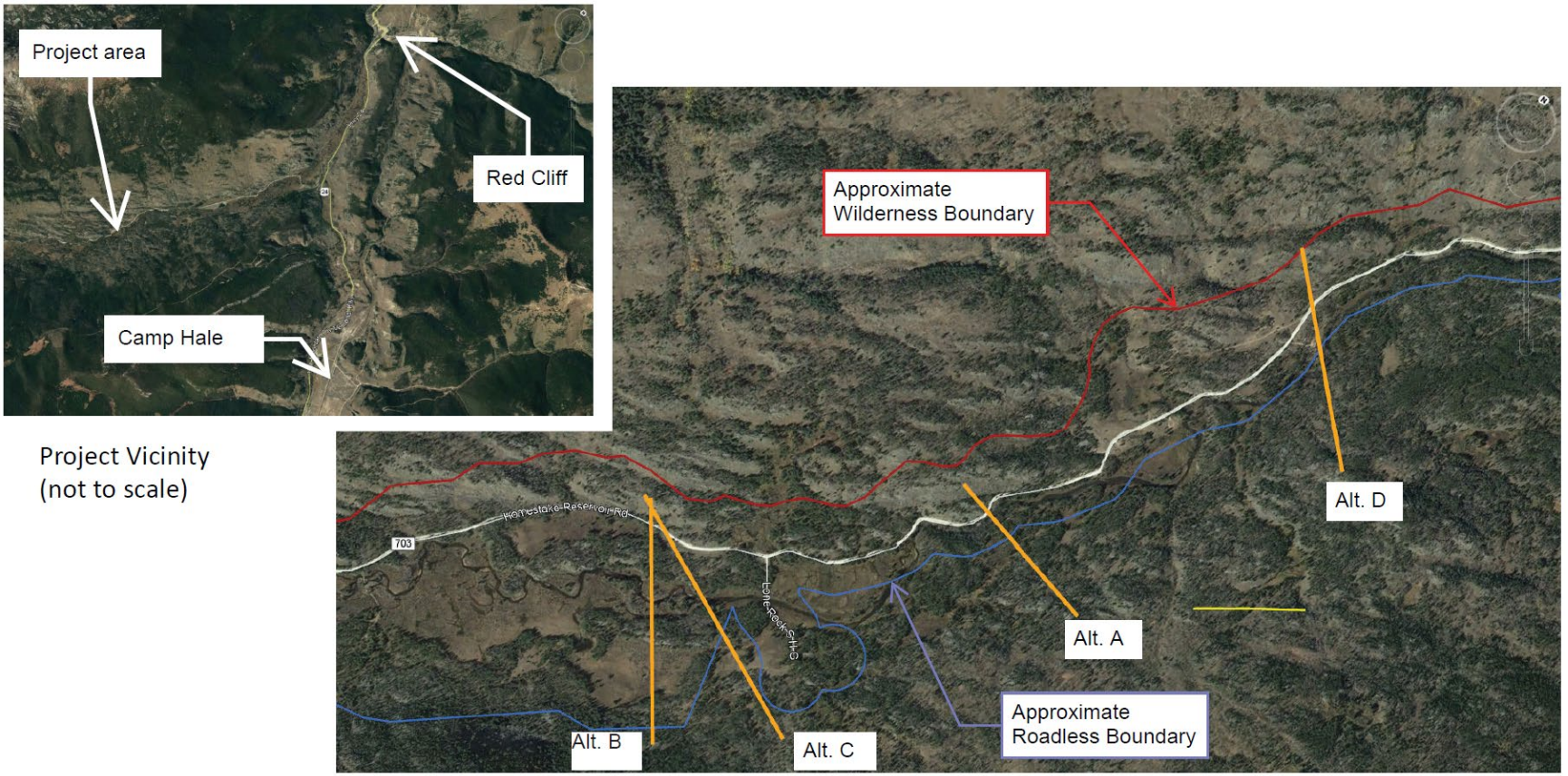


Figure 1. Project area. North (downstream) is towards the upper right and the yellow scale bar is 1000 feet long. Orange lines represent approximate alternative dam alignments.

(9) Additional Information may be necessary. The Director may request that the applicant supply additional information related to the Project if the Permit Authority will not be able to make a determination on one of the Permit Application Approval Criteria in Section 6.04 without the additional information.

6.03.07 Additional Submittal Requirements Applicable to Municipal and Industrial Water Projects.

(1) Description of efficient water use, recycling and reuse technology the Project intends to use.

(2) Map and description of other municipal and industrial water projects in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.

(3) Description of demands that this Project expects to meet and basis for projections of that demand.

6.03.08 Additional Submittal Requirements Applicable to Major New Domestic Water and Wastewater Treatment Systems and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems.

(1) Description of existing domestic water and wastewater treatment facilities in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries, and reasons for and against hooking on to those facilities.

(2) Description of how the Project will affect urban development, urban densities, and site layout and design of stormwater and sanitation systems.

(3) Description of other water and wastewater management agencies in the Project area and reasons for and against consolidation with those agencies.

(4) Description of how the Project may affect adjacent communities and users on wells.

6.03.09 Conduct of Permit Hearing.

(1) The Permit Authority shall conduct the hearing in a manner to afford procedural due process to the applicant and any person who opposes the issuance of the Permit.

(2) The Permit Authority shall hear relevant testimony and receive relevant evidence and may impose reasonable time limits on presenters and witnesses.

(3) Although the Colorado Rules of Civil Procedure do not apply to the hearing, all persons appearing at the hearing shall be afforded the right of cross-examination and a reasonable opportunity to offer evidence in rebuttal.

(4) Any person may, at his own expense, provide for the recording of the hearing and transcription thereof, provided, however, that a copy of the transcript shall be furnished free of charge to the Permit Authority and become part of the record.

6.03.10 Approval or Denial of the Permit Application by the Permit Authority.

(1) If information presented at the hearing leads the Permit Authority to find that additional information is necessary for it to determine whether the Permit Application Approval Criteria in Section 6.04 have been met, the Permit Authority may continue the hearing for not more than sixty (60) days unless a longer period is agreed to by the applicant, or it may deny the Permit.

(2) The Permit Authority may approve the application if it determines that the applicant has proven that the Project complies with all applicable provisions of these Regulations. If the Permit Authority determines that the applicant has failed to prove that the Project complies with any applicable provision of these Regulations,

the Permit Authority, at its sole discretion, may either approve the permit application with reasonable conditions necessary to ensure compliance with the Regulations, or deny the Permit.

(3) If the Permit Authority decides to approve the Permit with conditions, the Permit Authority shall make written findings that each condition is necessary to ensure that the Project will comply with the Permit Application Approval Criteria in sections 6.04.01, 6.04.02, and 6.04.03, and that each condition is necessitated by impacts caused by the Project.

(4) The hearing record shall include the following:

- **(a)** The application package.
- **(b)** Written statements or documents in support of or in opposition to the permit application.
- **(c)** Any recording and transcript of the hearing.
- **(d)** Written minutes of the Permit Authority hearing.
- **(e)** The resolution of the Permit Authority granting or denying the permit application.

(5) The burden of proof shall be on the applicant to show compliance with provisions of these regulations governing areas or activities of state interest involved.

6.03.11 Issuance of the Permit.

(1) The Permit shall be issued in writing by the Board.

(2) The Permit may be issued for an indefinite period or for a term of years, depending upon the nature of the Project.

(3) The Permit is valid only for the construction and operation of the Project described in the application package together with the conditions of approval, if any, imposed by the Permit Authority.

(4) A copy of the Permit shall be certified by the Permit Authority and presented to the County Clerk and Recorder for recording in the same manner as any document relating to real property.

6.03.12 Permit Amendment.

(1) Any change in the construction or operation of a Water and Sewer Project from that approved by the Permit Authority shall require a permit amendment, unless otherwise exempt.

(2) A permit amendment will be subject to the following requirements and procedures:

- **(a)** Permit Application Submittal Requirements.
  - **(i)** A copy of the current Permit and reasons for amendment
  - **(ii)** As-built drawings of the Project, if available.
  - **(iii)** Drawings and plans of proposed changes to the Project.
  - **(iv)** Additional or changed mitigation plans.
  - **(v)** Statement of need for amendment.
  - **(vi)** Site Plan.
  - **(vii)** Vicinity map.
  - **(viii)** Written report of how amendment satisfies the criteria in sections 6.04.01, 6.04.02 and 6.04.03.
- **(b)** Permit Amendment Procedure.
  - **(i)** The applicant shall meet with the Director to discuss the proposed permit amendment.
  - **(ii)** Application submittal requirements shall be reviewed by the Director.

6.04 APPROVAL CRITERIA AND FINANCIAL ASSURANCE

6.04.01 Permit Application Approval Criteria for Matters of State Interest.

A Permit to conduct a designated activity of state interest or to engage in development in a designated area of state interest shall be approved if the Project complies with the following general criteria and any additional applicable criteria in sections 6.04.02 or 6.04.03. If the Project does not comply with any one or more of these criteria, the Permit shall be denied or approved with conditions. In determining whether the Project complies with these criteria, or if conditions should be imposed, the Permit Authority may utilize the considerations in Appendix "A."

(1) Documentation that prior to site disturbance for the Project the applicant will have obtained all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.

(2) The Project will not impair property rights held by others.

(3) The Project is consistent with relevant provisions of applicable land use and water quality plans.

(4) The applicant has the necessary expertise and financial capability to develop and operate the Project consistent with all requirements and conditions.

(5) The Project is technically and financially feasible.

(6) The Project is not subject to significant risk from natural hazards.

(7) The Project will not have a significant adverse effect on land use patterns.

(8) The Project will not have a significant adverse effect on the capability of local governments affected by the Project to provide services, or exceed the capacity of service delivery systems.

(9) The Project will not create an undue financial burden on existing or future residents of the County.

(10) The Project will not significantly degrade any current or foreseeable future sector of the local economy.

(11) The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.

(12) The planning, design and operation of the Project shall reflect principals of resource conservation, energy efficiency and recycling or reuse.

(13) The Project will not significantly degrade air quality.

(14) The Project will not significantly degrade existing visual quality.

(15) The Project will not significantly degrade surface water quality.

(16) The Project will not significantly degrade groundwater quality.

(17) The Project will not significantly degrade wetlands, and riparian areas.

(18) The Project will not significantly degrade terrestrial or aquatic animal life or its habitats.

(19) The Project will not significantly deteriorate terrestrial plant life or plant habitat.

(20) The Project will not significantly deteriorate soils and geologic conditions.

(21) The Project will not cause a nuisance.

(22) The Project will not significantly degrade areas of paleontological, historic, or archaeological importance.

(23) The Project will not result in unreasonable risk of releases of hazardous materials.

(24) The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing, commercial or industrial resources within the County, or the losses of opportunities to develop such resources.

6.04.02 Additional Criteria Applicable to Municipal and Industrial Water Projects.

In addition to the general criteria set forth in section 6.04.01, the following additional criteria apply to municipal and industrial water projects:

(1) The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.

(2) The Project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.

(3) The Project shall be necessary to meet community development and population demands in the areas to be served by the Project.

(4) Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.

6.04.03 Additional Criteria Applicable to Major New Domestic Water and Wastewater Treatment Systems and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems.

In addition to the general criteria set forth in section 6.04.01, the following additional criteria apply to any development of major new domestic water and wastewater treatment systems or major extensions of existing domestic water and wastewater treatment systems:

(1) The Project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the Project, or to comply with regulatory or technological requirements.

(2) To the extent feasible, wastewater and water treatment facilities shall be consolidated with existing facilities within the area.

(3) New domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.

(4) The Project shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

6.04.04 Financial Guarantee Required.

Before any Permit is issued, the Permit Authority may, at its discretion, require the applicant to file a guarantee of financial security deemed adequate by the Permit Authority and payable to the County. The purpose of the financial guarantee is to assure the following:

(1) Faithful performance of the requirements of the Permit and applicable regulations.

(2) That the Project or activity is completed and, if applicable, that the development area is properly reclaimed.

(3) That the applicant performs all mitigation requirements and Permit conditions in connection with the construction, operation and termination of the Project.

APPENDIX "A"

Following are considerations to help the applicant understand the types of things that the Permit Authority may consider on balance in determining whether a Project complies with the Permit Application Approval Criteria in sections 6.04.01, 6.04.02, and 6.04.03. These considerations are not criteria that the Project must satisfy; they serve solely as guidance. The considerations are in regular type and the actual criteria that the considerations relate to are in bold type.

6.04.01(5)

The Project is technically and financially feasible. The determination of technical and financial feasibility of the Project may include but is not limited to the following considerations:

(a) Amount of debt associated with the Project.

(b) Debt retirement schedule and sources of funding to retire the debt.

(c) Estimated construction costs and construction schedule.

(d) Estimated annual operation, maintenance and monitoring costs.

6.04.01(6)

The Project is not subject to significant risk from natural hazards. The determination of risk from natural hazards to the Project may include but is not limited to the following considerations.

(a) Faults and fissures.

(b) Unstable slopes including landslides, rock slides and avalanche areas.

(c) Expansive or evaporative soils and risk of subsidence.

(d) Wildfire hazard areas.

(e) Floodplains.

6.04.01(7)

The Project will not have a significant adverse effect on land use patterns. The determination of effects of the Project on land use patterns may include but is not limited to the following considerations:

(a) Whether the Project complies with and is consistent with applicable plans.

(b) Likelihood that the Project will/will not cause or contribute to urban sprawl or "leapfrog" development.

(c) Significant changes in the amount of impervious surfaces.

(d) Contiguity of development associated with the Project to existing growth centers.

(e) Changes to unique land forms.

(f) Changes in the amount of character of open space.

(g) Changes to traffic patterns, road capacity and congestion.

6.04.01(8)

The Project will not have a significant adverse effect on the capability of local governments affected by the Project to provide services, or exceed the capacity of service delivery systems. The determination of the effects of the Project on local government services may include but is not limited to the following considerations:

(a) Existing and potential financial capability of local governments to accommodate development related to the Project.

(b) Current and projected capacity of roads, schools, infrastructure, housing, and other services necessary to accommodate development, and the impact of the Project upon the current and projected capacity.

(c) Changes caused by the Project in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities.

(d) Changes in short or long term housing availability, location, cost or condition.

(e) Need for temporary roads to access the construction of the Project.

(f) Change in demand for public transportation.

(g) Reduction in the amount of water available for future water supply in the County.

6.04.01(9)

The Project will not create an undue financial burden on existing or future residents of the County. The determination of the financial effects of the Project may include but is not limited to the following considerations:

(a) Changes in assessed valuation.

(b) Tax revenues and fees to local governments that will be generated by the Project.

(c) Changes in tax revenues caused by agricultural lands being removed from production.

(d) Changes in costs to water users to exercise their water rights.

(e) Changes in costs of water treatment or wastewater treatment.

(f) Effects on wastewater discharge permits.

(g) Changes in total property tax burden.

6.04.01(10)

The Project will not significantly degrade any current or foreseeable future sector of the local economy. The determination of the effects of the Project on the economy may include but is not limited to the following considerations:

(a) Changes to projected revenues generated from each economic sector.

(b) Changes in the value or productivity of any lands.

(c) Changes in opportunities for economic growth and diversification.

6.04.01(11)

The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience. The determination of effects of the Project on recreational opportunities and experience may include but is not limited to the following considerations:

(a) Changes to existing and projected visitor days.

(b) Changes to duration of kayaking and rafting seasons.

(c) Changes in quality and quantity of fisheries.

(d) Changes in instream flows or reservoir levels.

(e) Changes in access to recreational resources.

(f) Changes to quality and quantity of hiking trails.

(g) Changes to the wilderness experience or other opportunity for solitude in the natural environment.

(h) Changes to hunting experiences.

6.04.01(13)

The Project will not significantly degrade air quality. The determination of effects of the Project on air quality may include but is not limited to the following considerations.

(a) Changes to seasonal ambient air quality.

(b) Changes in visibility and microclimates.

(c) Applicable air quality standards.

6.04.01(14)

The Project will not significantly degrade existing visual quality. The determination of visual effects of the Project may include but is not limited to the following considerations:

(a) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.

(b) Interference with viewsheds and scenic vistas.

(c) Changes in appearances of forest canopies.

(d) Changes in landscape character types of unique land formations.

(e) Compatibility of building and structure design and materials with surrounding land uses.

6.04.01(15)

The Project will not significantly degrade surface water quality. The determination of effects of the Project on surface water quality may include but is not limited to the following considerations:

(a) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.

(b) Applicable narrative and numeric water quality standards.

(c) Changes in point and nonpoint source pollution loads.

(d) Increase in erosion.

(e) Changes in sediment loading to waterbodies.

(f) Changes in stream channel or shoreline stability.

(g) Changes in stormwater runoff flows.

(h) Changes in trophic status or in eutrophication rates in lakes and reservoirs.

(i) Changes in the capacity or functioning of streams, lakes or reservoirs.

(j) Changes in flushing flows.

(k) Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.

6.04.01(16)

The Project will not significantly degrade groundwater quality. The determination of effects of the Project on groundwater quality may include but is not limited to the following considerations:

(a) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

(b) Changes in capacity and function of wells within the impact area.

(c) Changes in quality of well water within the impact area.

6.04.01(17)

The Project will not significantly degrade wetlands and riparian areas. The determination of effects of the Project on wetlands and riparian areas may include but is not limited to the following considerations:

(a) Changes in the structure and function of wetlands and riparian areas.

(b) Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.

(c) Changes to aerial extent of wetlands and riparian areas.

(d) Changes in species' characteristics and diversity.

(e) Transition from wetland to upland species.

(f) Changes in function and aerial extent of floodplains.

6.04.01(18)

The Project will not significantly degrade terrestrial or aquatic animal life or its habitats. The determination of effects of the Project on terrestrial or aquatic life may include but is not limited to the following considerations:

(a) Changes that result in loss of oxygen for aquatic life.

(b) Changes in flushing flows.

(c) Changes in species composition or density.

(d) Changes in number of threatened or endangered species.

(e) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.

(f) Changes to habitat and critical habitat including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species.

(g) Changes to the aquatic and terrestrial food webs.

6.04.01(19)

The Project will not significantly deteriorate terrestrial plant life or plant habitat. The determination of effects of the Project on terrestrial plant life or habitat may include but is not limited to the following considerations:

(a) Changes to habitat of threatened or endangered plant species.

(b) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.

(c) Changes in advancement or succession of desirable and less desirable species, including noxious weeds.

(d) Changes in threatened or endangered species.

6.04.01(20)

The Project will not significantly deteriorate soils and geologic conditions. The determination of effects of the Project on soils and geologic conditions may include but is not limited to the following considerations:

(a) Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.

(b) Changes to stream sedimentation, geomorphology, and channel stability.

(c) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

(d) Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.

(e) Exacerbation of seismic concerns and subsidence.

6.04.01(21)

The Project will not cause a nuisance. The determination of nuisance effects of the Project may include but is not limited to the following considerations:

(a) Increase in odors.

(b) Increase in dust.

(c) Increase in fumes.

(d) Increase in glare.

(e) Increase in heat.

(f) Increase in noise.

(g) Increase in vibration.

(h) Increase in artificial light.

(i) Increase in traffic impacts.

6.04.01(23)

The Project will not result in unreasonable risk of releases of hazardous materials. The determination of the risk of release of hazardous materials caused by Project may include but is not limited to the following considerations:

(a) Plans for compliance with federal and state handling, storage, disposal, and transportation requirements.

(b) Use of waste minimization techniques.

(c) Adequacy of spill prevention and response plans.

6.04.02 (1)

The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water. The determination of whether the Project emphasizes the most efficient use of water may include but is not limited to the following considerations:

(a) Whether the Project uses readily available conservation techniques.

(b) Whether the Project recycles water to the greatest extent allowed by law.

6.04.02 (2)

The Project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services. The determination of whether the Project will result in excess capacity or create duplicate services may include but is not limited to the following considerations:

(a) Whether the Project creates overlapping or competing service areas.

(b) Whether the Project differs significantly from the provider's facility plan.

(c) Whether the Project impacts other water and wastewater permits.

6.04.02 (3)

The Project shall be necessary to meet community development and population demands in the areas to be served by the Project. The determination of whether the Project meets community development and population demands may include but is not limited to the following considerations:

(a) Relationship to reasonable growth projections and local land use plans.

(b) Relationship to other water and wastewater provider's service area.

6.04.02 (4)

Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas. The determination of potential for pollution of the aquifer recharge areas by the Project may include but is not limited to the following considerations:

(a) Proximity of urban development and population densities to aquifer recharge areas.

(b) Proximity of stormwater and sanitation systems to aquifer recharge areas.

(c) Changes in water quality in the aquifer recharge areas.

6.04.03 (1)

The Project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the Project, or to comply with regulatory or technological requirements. The determination of whether the Project is reasonably necessary may include but is not limited to the following considerations:

(a) Relationship to reasonable growth projections and local land use plans.

(b) Relationship to other water and wastewater provider's service area.

(c) Whether the Project is not in compliance with regulatory or technological requirements or will not be in compliance in the near future.

6.04.03 (2)

To the extent feasible, wastewater and water treatment facilities shall be consolidated with existing facilities within the area. The determination of whether consolidation is **feasible** shall include but is not limited to the following considerations:

(a) Whether there is an opportunity for consolidation.

(b) The environmental, financial and social feasibility of consolidation.

6.04.03 (3)

New domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plan and the orderly development of domestic water and sewage treatment systems of adjacent communities. The determination shall include but is not limited to the following considerations:

(a) Relationship to reasonable growth projections and local land use plans.

(b) Proximity to other water and wastewater provider's service area.

6.04.03 (4)

The Project shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development. The determination shall include but is not limited to the following considerations:

(a) Relationship of the Project to approved land use plans for the area.

(b) The environmental, financial and social impacts related to such development.

submittal of an application of a public utility or a power authority providing electric or natural gas service that relates to the location, construction, or improvement of a major facility of a public utility.

SEC. 208 BOARD HEARING SCHEDULED AND NOTICE PUBLISHED

A. No later than 30 days after Application is deemed complete, the Director shall set the date, location, and time for a future Board hearing on the Application.

B. The Director shall publish a notice of the hearing once in the County legal newspaper, not less than 30 days or more than 60 days before the date set for the hearing. The notice shall include:

1. The time and place of the hearing.

2. The place at which materials relating to the matter to be designated and any guidelines and regulations for the administration thereof may be examined.

3. The telephone number or email address where inquiries may be submitted.

4. A short description of the proposed Project, including the location, legal description, and area (size) of the land.

5. A short description of the proposed action requested.

SEC. 209 REFERRAL OF APPLICATION.

At any time during the Permit process, the Director may refer the application to any other local, state, or federal agencies that have expertise pertaining to or jurisdiction over the Project along with a deadline for offering comments.

SEC. 210 STAFF REPORT

A. The Director shall prepare a staff report that summarizes the Application and comments from consultants, legal counsel, referral agencies, if any, and the public.

B. The staff report shall identify any approval standard that has not been satisfied and may recommend conditions to address any standard that has not been satisfied.

C. The Director shall provide a copy of the staff report to the Board, the Applicant, and to the public upon request.

SEC. 211 REVIEW AND DECISION BY THE BOARD

Following a public hearing, the Board shall approve, approve with conditions, or deny the

Application. The burden of proof is on the Applicant to demonstrate that the Project complies with these Regulations, and the Board's decision shall be based on all of the information on the Hearing Record.

A. **Approval of Application.** The Board may approve the Application if the Board finds that the Applicant has demonstrated that the Project will comply with each Permit Approval Standard in Article 4.

B. **Denial of Application.** The Board shall deny the Application if the Board finds that the Project does not comply with any one of the Permit Approval Standards in Article 4.

C. **Conditional Approval.** In lieu of denial, the Board may approve the Application with conditions if the Board finds that such conditions are necessary to find that the Application complies with each Permit Approval Standard in Article 4.

D. **Hearing Record.** The Hearing Record shall include the following:

1. The Application package.

2. Written statements or documents commenting on the Application and any such materials submitted during the hearing.

3. Written statement of reasons for Board decision and its findings and conclusions, pursuant to C.R.S. § 24-65.1-501(5)(a).

4. Any recording and transcript of the hearing.

5. The resolution of the Board granting or denying the Application.

D. **Timeline for Applications of Public Utility or Power Authority.** Pursuant to C.R.S. 29-20-108, the Board shall issue a decision on an application of a public utility or a power authority providing electric or natural gas service that relates to the location, construction, or improvement of a major facility of a public utility within 90 days of the Director's determination of a Complete Application, or else t

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ARTICLE 4 PERMIT APPROVAL STANDARDS

SEC. 401 GENERAL CONSIDERATIONS

The burden of proof is on the Applicant to demonstrate that the Project complies with these standards. In making its determination as to whether the Applicant has demonstrated that the Project complies with these standards, the Board shall consider all evidence on the Hearing Record, including the application materials, which include proposed mitigation and monitoring.

SEC. 402 APPLICANT EXPERTISE

The Applicant has the necessary expertise to develop and operate the Project consistent with all requirements and conditions.

SEC. 403 TECHNICAL AND FINANCIAL FEASIBILITY

The Project is technically and financially feasible. The following criteria shall be applied to determine whether this standard is satisfied:

A. Amount of debt associated with the Project.

B. Debt retirement schedule and sources of funding to retire the debt.

C. Estimated construction costs and construction schedule.

D. Estimated annual operation, maintenance, mitigation, and monitoring costs.

SEC. 404 NECESSARY PROPERTY RIGHTS, PERMITS, AND APPROVALS

The Applicant will obtain all necessary property rights, permits, and approvals for the Project prior to any site disturbance. The Board may, at its discretion, defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

SEC. 405 IMPAIRMENT OF PROPERTY RIGHTS

The Project will not have a significant adverse impact on private property rights in the County.

SEC. 406 WATERSHED HEALTH

A. The Project will comply with all of the plans in Section 307 of these Regulations.

B. The Applicant shall provide documentation of consultation with CPW.

C. The Project will not significantly degrade the health of the watershed(s) affected by the Project. The following criteria shall be applied to determine whether this standard is

satisfied:

1. **Flows, Hydrology, and Surface Water Quality.** The Project shall not significantly degrade flows, hydrology, and surface water quality, including by ensuring that:

    a. Affected streams will maintain stream flows and water quality necessary to support current agricultural, ecological, municipal, domestic, industrial, and recreational uses at satisfactory levels, including those levels identified in watershed and stream management plans.

    b. Concentrations of pollutants will not increase over baseline conditions.

    c. Changes in total suspended solid concentrations will not cause adverse impacts to aquatic life or water clarity.

    d. Banks will not be eroded from changes in flows.

    e. Changes to channelization will be minimized, unless implemented to improve aquatic habitat and water quality conditions.

    f. Flows in affected streams will mimic the natural hydrograph to the extent possible in average, dry, and wet years.

2. **Groundwater Quality.** The Project shall not significantly degrade groundwater quality within the Impact Area, including aquifer recharge rates, groundwater levels, and aquifer capacity, and the Project will not reduce the capacity, function, and quality of wells within the Impact Area.

3. **Floodplains, Wetlands, and Riparian Areas.** The Project will not significantly deteriorate floodplains, wetlands, or riparian areas in the Impact Area, including:

    a. Structure and function of wetlands and unique, rare, delicate, or irreplaceable riparian areas, vegetation, forests, or woodlands.

    b. Filtering and nutrient uptake capacities of wetlands and riparian areas.

    c. Aerial extent of wetlands and evolution of wetland species to upland species.

4. **Aquatic Life and Aquatic Habitat.** The Project shall not significantly deteriorate aquatic life and aquatic habitat, including by:

    a. Preventing loss or isolation of off-channel habitat.

b. Preventing reductions in dissolved oxygen levels and flushing flows.

c. Preventing impairment of spawning and egg-to-fry survival due to changes in water temperature, water levels, velocity, or associated effects (e.g. sedimentation).

SEC. 407 POLLUTION OF AQUIFER RECHARGE AREAS

Urban development and increases in population densities associated with the Project will not contribute to pollution of the aquifer recharge areas.

SEC. 408 CONSISTENCY WITH WATER QUALITY PLANS AND POLICIES

The Project will be consistent with stream management and water quality plans and policies, including any watershed management plans adopted by the Board and the NWCCOG Regional Water Quality Plan (208 Plan).

SEC. 409 ADEQUATE WATER SUPPLIES

Water supplies are adequate for the current and future operational needs of the Project in terms of quantity, quality, and dependability.

SEC. 410 AIR QUALITY

The Project will not significantly degrade air quality in the Impact Area including along haul routes.

SEC. 411 WILDLIFE AND WILDLIFE HABITAT

A. The Project will not significantly deteriorate wildlife or wildlife habitat in the Impact Area.

B. The Applicant shall provide documentation of consultation with CPW.

SEC. 412 PLANT LIFE (TERRESTRIAL)

The Project will not significantly deteriorate terrestrial plant communities in the Impact Area.

SEC. 413 SOIL AND GEOLOGIC CONDITIONS

The Project will not significantly degrade soil and geologic conditions within the Impact Area, including significant deterioration to natural drainages, soil morphology and productivity, potential for soil erosion, stream sedimentation, lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

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SEC. 414 RISK FROM NATURAL HAZARDS

A. The Project is not subject to significant risk from natural hazards such as earthquakes, floods, wildfires, subsidence, expansive soils, avalanches, landslides, and other natural hazards.

B. The Project will not exacerbate risks of natural hazard occurrences.

SEC. 415 GRADING, EROSION, AND SEDIMENT CONTROL

Erosion and sedimentation control measures will be implemented in conformance with the *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized within the Impact Area.

SEC. 416 STORMWATER MANAGEMENT

Run-off shall be managed in accordance with the *Stormwater Management Plan* in order to minimize adverse impacts to water quality in the Impact Area. If applicable, the Applicant shall obtain a Stormwater Discharge Permit from the Colorado Department of Public Health and Environment, Water Quality Control Division.

SEC. 417 RELEASE OF HAZARDOUS MATERIALS

A. Hazardous materials will be managed in accordance with the *Hazardous Materials Management Plan* so that the Project will not result in an unreasonable risk of releases of hazardous materials.

B. The above-ground or underground storage of hazardous materials is prohibited within any County-designated Fluvial Hazard Zone, active stream corridor, or 100-year floodplain.

C. Impacts resulting from spills and releases shall be investigated and cleaned up as soon as practicable.

1. Board, or its designee, may undertake prevention, control, countermeasure, containment, and clean-up measures if the Applicant fails to comply with its obligations under the *Hazardous Materials Management Plan*.

2. Applicant shall pay all costs incurred by the Eagle County Government for any such measures.

SEC. 418 EMERGENCY PREPAREDNESS AND RESPONSE

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The Project shall be constructed and operated in conformance with *the Emergency Preparedness and Response Plan* to ensure that, in the event of an emergency, adequate practices, procedures, and infrastructure are in place to protect public health and safety and repair damage caused by emergencies.

SEC. 419 EFFECT ON LOCAL GOVERNMENT SERVICES

The Project will not have a significant adverse impact on the current or future capability of local government(s) to provide services or on the capacity of service delivery systems.

SEC. 420 TAX BURDEN

The Project will not create an undue tax burden on existing or future Eagle County residents.

SEC. 421 HOUSING

The Project will not significantly deteriorate housing availability, location, condition, or cost in the Impact Area.

SEC. 422 LOCAL ECONOMY

The Project will not significantly degrade any segment of the County economy.

SEC. 423 RECREATIONAL OPPORTUNITIES AND EXPERIENCE

The Project will not significantly degrade the quality or quantity of recreational opportunities and experience in the Impact Area.

SEC. 424 AREAS OF PALEONTOLOGICAL, HISTORIC, OR ARCHAEOLOGICAL IMPORTANCE

The Project will not significantly deteriorate areas of paleontological, historic, or archaeological importance in the Impact Area.

SEC. 425 TRAFFIC

A. Construction traffic within the Impact Area will not significantly degrade local traffic conditions.

B. All construction routes and permanent access routes within the Impact Area are designed to:

1. Minimize impacts to the public and ensure the safety and quality of life of other users of the County transportation system and affected adjacent residents.

2. Avoid, to the degree practicable, or minimize and mitigate impacts to residential

areas, commercial areas, environmentally- and visually- sensitive areas, critical wildlife habitat, schools and other civic buildings, and already-congested locations.

3. Accommodate truck and heavy equipment traffic, as applicable, and emergency and fire response.

SEC. 426 ROAD IMPROVEMENTS AND MAINTENANCE

The owner will bear the cost of all road upgrades, repairs, and maintenance necessitated by Project construction.

A. If the projected use of public roads by construction traffic will result in a need for increased roadway maintenance, the owner will enter into an agreement with the Board whereby the owner assumes responsibility for the repairs and additional road and bridge maintenance or reimburses the County for repairs and maintenance.

B. The owner will maintain financial assurance to secure the maintenance and repair obligations. The amount of such financial assurance will be determined by the Board in a form approved by the County Attorney.

SEC. 427 AGRICULTURAL RESOURCES

The Project will not significantly degrade the quality or value of agricultural lands or operations in the Impact Area.

SEC. 428 LAND USE PATTERNS

A. The Project will not have a significant adverse effect on land use patterns in the Impact Area.

B. The Project institutes appropriate setbacks to preserve land use patterns, avoid causing nuisances to existing property owners in the Impact Area, and to protect County public health, safety, welfare, and the environment.

SEC. 429 NUISANCE

The Project will not interfere with the use and enjoyment of property in the Impact Area nor cause a nuisance to existing property owners in the Impact Area.

SEC. 430 DUST SUPPRESSION

A. The *Dust Suppression Plan* and, if applicable, a permit from the Colorado Air Quality Control Division, will be implemented in a manner that protects public health, safety, welfare, and the environment.

B. The *Dust Suppression Plan* includes best practices for suppressing dust that include at minimum the following or alternative practices that achieve the same or greater protections:

1. Minimize surface disturbance to the extent practicable and promptly revegetate disturbed areas consistent with the *Revegetation and Weed Management Plan*.

2. Water or treat unpaved roads with chemical stabilizers to maintain a dust opacity of less than 20%, and monitor to ensure opacity is achieved.

3. Utilize watering or chemical stabilization of unpaved roads as often as necessary to minimize re-entrainment of particulate matter from the road surface or paving of roads.

4. Haul vehicles shall maintain a minimum of three inches of freeboard or be fully covered before entering public rights-of-way.

5. Suspend active earthmoving or bulk material transfer during high wind events exceeding 30 miles per hour.

6. Restrict the speeds of all vehicles associated with the Project.

SEC. 431 VISUAL QUALITY

The Project will not significantly deteriorate visual quality in the Impact Area.

SEC. 432 REVEGETATION AND WEED MANAGEMENT

Areas disturbed by Project construction activities will be revegetated and maintained in conformance with the approved *Revegetation and Weed Management Plan* and will not result in intrusion of noxious weeds or other invasive species.

SEC. 433 COMPLIANCE WITH REQUIRED PLANS/STUDIES/REPORTS

The Project will comply with all plans and reports required under Article 3 of these Regulations.

SEC. 434 ADDITIONAL STANDARDS FOR DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MUNICIPAL AND INDUSTRIAL WATER PROJECTS.

In addition to the standards in Sections 401-433 of these Regulations, an applicant for domestic water and sewage treatment systems and municipal and industrial water projects shall demonstrate that the Project complies with the following standards.

A. Capacity of the Area to Sustain Development Associated with the Project. For Projects that will serve the County, the growth and development anticipated as a result of

the Project can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

B. **Proper Utilization of Facilities and Orderly Development in the County**. For Projects that will serve the County, the Project will be constructed in areas which will result in the proper utilization of existing treatment facilities and the orderly development of domestic water and sewage treatment systems of adjacent communities.

C. **Duplicate Services or Facilities**. Where the Project is a wholly new service or facility in the County, the Project will not duplicate existing services and facilities if such existing facilities or services have the legal and physical capacity or can be expanded or consolidated to provide additional services or facilities. The following criteria shall be applied to determine whether this standard is satisfied:

1. No existing water or sewage treatment system has the legal ability and capacity to serve the area to be served by the Project.

2. Age of existing water systems, operational efficiency, state of repair, or level of treatment is such that replacement is warranted.

3. Existing facilities cannot be upgraded or expanded to meet the requirements of the Colorado Department of Public Health and the Environment.

D. **Efficient Use of Water**. The Project will be planned, designed, and operated in a manner that emphasizes the most efficient use of water, including recycling and reuse.

E. **Ability to Accept FOGS and Septage**. For new wastewater systems or major extensions of wastewater systems that will serve the County, the Project shall include facilities equipped to accept, neutralize, and process high-strength organic wastes such as FOGS and septage unless the Applicant demonstrates that County facilities have adequate permitted capacity to receive high-strength organic wastes attributable to growth generated by the Project.

SEC. 435 ADDITIONAL STANDARDS FOR COMMERCIAL GEOTHERMAL RESOURCES

In addition to the standards in Sections 401-433 of these Regulations, an applicant to develop Commercial Geothermal Resources shall demonstrate that the Project complies with the following standards.

A. **Setbacks**.

1. All flowlines and fresh, produced, or wastewater pipelines will be routed and constructed in a manner that minimizes impacts to infrastructure and natural resources and to public health, safety, welfare, environment, and wildlife without compromising pipeline integrity and safety.

Condition:

1. The Eagle County Guidelines and Regulations for Matters of State Interest shall become effective simultaneously with the effective date of the re-adopted Eagle County Land Use Code; the current version of the Eagle County Guidelines and Regulations for Matters of State Interest shall remain in full force and effect until that time, with no lapse in applicability.

ALTERNATIVE MOTIONS

To recommend denal of the Application for an Amendment to the Text of the Land Use Regulations:
I move to recommend **denial of** File number LUR-009633-2026, 1041 LUR Amendment, because [insert reasons here].

To table/continue the Application for an Amendment to the Text of the Land Use Regulations:
I move to **continue** File number LUR-009633-2026, 1041 LUR Amendment, to [enter date here], to gather additional information necessary for a determination.

VII. ATTACHMENTS

Attachment 1: EAGLE COUNTY GUIDELINES AND REGULATIONS FOR MATTERS OF STATE INTEREST
Attachment 2: Public Comment

Wholesale changes brought on by beavers in Idaho peatlands were illustrated by Rabe and Savage (1977) at Bottle Lake Research Natural Area. Aerial photographs of Bottle Lake from 1932 and 1956 bear little resemblance to each other. Apparently 1932 was near the end of a long period without beavers at Bottle Lake. In 1932, the central doughnut-shaped, sphagnum-dominated mat was surrounded by a sedge-dominated fen with scattered trees. The mat rested on the basin bottom allowing the growth of *Thuja plicata, Tsuga heterophylla,* and other conifers. The lake within the mat supported emergent and submergent aquatic plants such as *Nuphar* spp. By 1956, beaver damming had flooded the sedge fen surrounding the floating mat, replacing it with aquatic plant communities and killing the scattered trees. The doughnut-shaped mat once again had become a buoyant island, conifers that had established during low water were dead, and the lake within the mat had become too deep to support species of *Nuphar,* conditions similar to those found at present.

Palsa

A ***palsa*** is a peat mound covering a permanently frozen (permafrost) core of peat and silt (Crum 1988). The overlying peat acts as an insulating blanket over the frozen core. Although common in the zone of discontinuous permafrost in the southern portion of the arctic tundra, in the contiguous United States the only documented occurrence is at a subalpine site (Sawtooth Peatbeds, Shoshone National Forest) in the Beartooth Mountains of northwestern Wyoming (Collins and others 1984). This occurrence is the southernmost palsa known in North America.

The palsa covers approximately 8 ha and is raised 1 to 2 m above the surrounding sedge-dominated fen. The surface of the palsa is practically devoid of vegetation apart from scattered clumps of *Deschampsia cespitosa* and plants of *Rumex paucifolius* (mountain sorrel). Permafrost is present 38 to 46 cm below the surface (Pierce 1961).

Peatland Vegetation And Flora

Vascular Flora

The vascular plant diversity associated with peatlands in the Northern Rocky Mountains is high, especially considering the small percentage of the regional landscape that is occupied by these habitats (color plates 13 through 25). The peatland vascular flora reported herein consists of 356 species, representing 164 genera and 62 families (appendix A). Six pteridophyte families (as represented by 11 genera and 20 species), two gymnosperm families (6 genera, 8 species), and 54 angiosperm families (148 genera, 328 species) were documented during the course of the peatland inventories in this region (Bursik 1990; Bursik and Henderson 1995; Chadde and Shelly 1995; Mantas 1993). Of note is the diversity of families and genera included in the regional peatland flora. Richness at these higher taxonomic levels further emphasizes the significance of these peatlands in contributing to the overall biological diversity in the Northern Rocky Mountains.

Idaho—Bursik (1990) distinguished two types of peatlands in Idaho, valley and subalpine peatlands. He found 327 vascular plant species occurring at both valley or subalpine sites, with 205 species occurring in the valley peatlands (see appendix A for a complete list of species). Subsequent study has revealed the presence of 291 vascular and 20 bryophyte species in the valley peatland flora of Idaho (Bursik and Henderson 1995).

Peatlands of the Sawtooth Valley are subalpine in elevation but intermediate in plant species composition. Boreal species found in the Sawtooth Valley peatlands include *Carex livida, C. buxbaumii, Eleocharis pauciflora, Drosera intermedia* (intermediate sundew), *Epilobium palustre* (swamp willow-herb), *Scirpus cespitosus* (tufted bulrush), *Carex aquatilis,* and *Swertia perennis*. Many of these are community dominants. Western cordilleran species include *Gentiana calycosa* (mountain bog gentian), *Carex cusickii* (cusick's sedge), *C. luzulina* (wood rush sedge), *Lonicera caerulea* (sweet-berry honeysuckle), *Senecio cymbalarioides* (few-leaved groundsel), and *Vaccinium occidentale* (western huckleberry).

Montana—The valley peatland vascular flora in Montana consists of 174 species, representing 105 genera in 44 families (Chadde and Shelly 1995; Mantas 1993). As such, approximately 37 percent of the 118 families and 16 percent of the 658 genera reported to occur in Montana (Dorn 1984) are associated with these habitats. In limestone areas of northwestern Montana (Kootenai and Flathead National Forests), rich fens are typical. Characteristic shrubs are *Betula glandulosa, Alnus incana* (mountain alder), *Potentilla fruticosa, Rhamnus alnifolia* (alder buckthorn), *Salix bebbiana, S. candida,* and *S. drummondiana* (drummond willow). Important sedges include: *Carex lasiocarpa, C. limosa, C. interior, C. livida, C. utriculata, C. flava,* and *C. buxbaumii.* Other common grass and grasslike species include: *Eleocharis rostellata* (in extremely rich fens), *E. tenuis, Eriophorum viridicarinatum, E. chamissonis, Dulichium arundinaceum, Calamagrostis canadensis,* and *Scirpus acutus. Picea engelmannii* is common on the outer margins of many peatlands as well as on drier hummock tops.

to maintaining peatland integrity, current management guidelines, protection through special designations, monitoring, and research needs and public education.

Threats

The two most critical factors affecting the abundance and distribution of peatland species in the Northern Rocky Mountains appear to be water levels and the nutrient concentration of incoming water. Natural factors such as wildfire, drought, and beaver activity bring periodic changes in these two factors and consequent shifts in location and abundance of peatland species. The abrupt, large-scale, and often irreversible nature of changes in hydrology and nutrient concentrations that result directly or indirectly from human activities, however, may be beyond the tolerance level of resident populations.

Direct impacts that may threaten the integrity of peatland ecosystems and associated plant and animal populations include ditching and drainage, peat mining, livestock grazing, water flow regulation, and invasion by exotic plant species. Several peatlands in Idaho and Montana have been significantly altered by major ditching, filling, and development. Although National Forest peatlands are not subject to development, some of these sites have been altered by ditching and drainage. Studies of Hager Lake Fen in Idaho have documented significant vegetation changes and loss of species diversity over a 40 year period, attributed in part to hydrologic changes resulting from ditching (Bursik and Moseley 1992a). During this 40 year period, 14 plant species disappeared from the site, including four rare species.

Little peat mining has taken place in the Northern Rocky Mountains, although limited local peat operations are known to occur in Idaho and Montana. This type of habitat destruction may be increasing, however, as private landowners and mining companies become increasingly interested in exploiting peat.

Although not a significant threat to most peatlands, livestock grazing takes place within and around some of the peatlands on National Forests in Idaho and Montana. Livestock grazing directly impacts vegetation through removal and trampling, and may result in soil compaction, and altered local hydrologic conditions. Indirect impacts associated with grazing may include altered water chemistry.

Artificial regulation of water levels around lakes and water flows associated with streams is another potential threat. Peatlands around lakes with regulated water levels could be threatened with a loss of species dependent on naturally fluctuating water regimes. Naturally occurring water regulators in peatland systems include beaver. The erratic dam building and flooding activities associated with beaver is critical to the maintenance of habitat diversity, which allows numerous species adapted to various seral stages to survive. Removing beaver from peatlands may have negative impacts on the overall functioning of the ecosystem. Long-term static water levels can lead to the gradual depauperization of the flora in peatlands (Crum 1988).

Management activities on landscapes that have peatlands imbedded within them can potentially threaten system integrity, if they adversely alter hydrologic regimes and nutrient regimes. Hydrologic conditions of individual peatlands result from their placement within an overall drainage system. Since most peatlands in Idaho and Montana are flow-through systems, water is obtained from the lands higher up in the drainage. Certain off-site management activities, such as timber harvest, road building, and livestock grazing that alter hydrologic and nutrient regimes may adversely impact peatlands. The degree of impact of these activities on peatlands is the result of many factors including the extent and intensity of land management activity or disturbance, and the particular physiographic features of the drainage. Off-site management activities need to be planned so that hydrologic and nutrient conditions remain within the range of natural variability. Additional threats to peatlands may arise from point source water pollution.

Invasion by exotic plant species is apparent in some peatlands. Reed canary grass (*Phalaris arundinacea*) is a commonly observed exotic species in peatlands, and is able to aggressively spread by rhizomes. Canada thistle (*Cirsium arvense*) may also invade peatlands following disturbances such as wheel ruts or fire.

Management of Peatlands on National Forests

Conservation of peatland habitats on National Forests is accomplished in several ways. A combination of State and Federal laws, agency policy, and management standards and guidelines set forth in forest plans collectively provide conservation mechanisms for many peatlands. Additional protection mechanisms include application of special designations to the most significant sites (discussed in the next section).

The presence of sensitive plant and animal species in peatlands affords protection through policy and guidelines aimed at maintaining viable populations of these species. The Clean Water Act and State water quality standards help prevent the occurrence of activities or pollution that could result in altered water chemistry and nutrient regimes in peatlands.

Peatlands fall under various categories of management direction in forest plans within Montana and Idaho. Generally, peatlands meet the criteria of jurisdictional wetlands that often fall within a riparian management area in the forest plans. Management

ATTACHMENT 2
Recommended Revisions to
Eagle County Guidelines and Regulations for Matters of State Interest

The following are recommended revisions to the Eagle County Guidelines and Regulations for Matters of State Interest, which is presented as part of the October 27, 2026 public hearing packet. In the following revisions, deletions are shows as strike-through text and additions are shown in double-underlining.

I. Revise Section 105, Applicability, as follows in order to clarify the existing exception in the regulations, delay the effective date for the exception, and simplify this section:

SEC. 105 APPLICABILITY

~~**A. Applicable to Designated Activities.** These Regulations apply to the regulation of designated activities of state interest in effect as of the date of these Regulations, occurring wholly or partially in the unincorporated areas of Eagle County, whether on public or private land.~~

A~~B~~. Designated Activities of State Interest. Designated ~~ions~~ Activities of State Interest in effect as of the date of these Regulations are:

1. Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems.

2. Efficient utilization of municipal and industrial water projects.

3. Site selection and construction of major facilities of a public utility, defined for purposes of these Regulations as Transmission Lines and Oil and Gas Pipelines ("Transmission Lines and O&G Pipelines").

4. The use of geothermal resources for the commercial production of electricity ("Commercial Geothermal Resources").

B~~C~~. Regulated Activities. Upon the effective date of these Regulations, t~~T~~hese Regulations shall apply to Designated Activities of State Interest ~~the following activities~~ occurring wholly or partially in Eagle County, whether on public or private land.

C. Exception for Activities Subject to Certain County Permits and Approvals. Upon the effective date of the 2026 Eagle County Land Use Regulation or July 1, 2027, whichever is sooner, these Regulations shall not apply to a Designated Activity of State Interest that:

1. ~~activity w~~Was or will be reviewed and approved as part of a subdivision,

Planned Unit Development ("PUD"), or special use permit pursuant to the Eagle County Land Use Regulation ("ECLUR"); AND

2. The Director determines that the adverse impacts of the Designated Activity will be or have been adequately mitigated through the ECLUR and other permits issued by state or federal agencies.

~~**1.** Site selection, construction, or extension of domestic water treatment systems.~~

~~**2.** Site selection, construction, or extension of domestic sewage treatment systems.~~

~~**3.** Municipal water projects.~~

~~**4.** Industrial water projects.~~

~~**5.** Site selection and construction of Transmission Lines and O&G Pipelines.~~

~~**6.** Commercial Geothermal Resources.~~

II. Revise the definition of "Waterbody" in Section 109 definition, as follows to add "fens:"

Waterbody. Ephemeral, intermittent, and perennial streams and rivers, lakes, ponds, stormwater ditches, wetlands, fens, and riparian areas, or aquatic habitats. Man-made irrigation ditches and stock ponds that do not discharge into waterbodies are excluded from this definition. Waterbodies that meet this definition are subject to these Regulations, whether or not waterbodies are subject to the U.S. Army Corps of Engineers' jurisdiction or the Colorado Water Quality Control Division jurisdiction.

III. Revision Section 201 as follows to correspond to changes in Section 105 Applicability:

SEC. 201 PERMIT OR FINDING OF NO SIGNIFICANT IMPACT REQUIRED

~~A.~~ No person may conduct a Designated Activity of State Interest wholly or partially in Eagle County, whether on public or private land, without first obtaining a Finding of No Significant Impact ("FONSI") or a Permit under these Regulations unless that Designated Activity is an exception under Section 105 of these Regulations.

~~B. An activity that was or will be reviewed and approved as part of a subdivision, PD Plan, or special use permit pursuant to the ECLUR does not require a Permit or FONSI under these regulations.~~

REDLINE Sept. 28, 2026 Draft
For Oct. 27 Commissioner hearing

Incorporates changes approved by Eagle County Planning Commission to Sections 102, 106, 109 (definitions for Domestic sewage treatment system, domestic water treatment system, efficient utilization, industrial water project, municipal water project), 211.E., 327

EAGLE COUNTY
GUIDELINES AND REGULATIONS
FOR
MATTERS OF
STATE INTEREST

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ARTICLE 1 GENERAL PROVISIONS

SEC. 101 TITLE AND CITATION

These Regulations are titled and may be cited as the "Eagle County Guidelines and Regulations for Matters of State Interest" and may be referred to as "these Regulations" herein.

SEC. 102 PURPOSE

A. Purpose. The purpose of these Regulations is to facilitate the identification, designation, and administration of matters of state interest consistent with C.R.S. § 24-65.1-101, *et seq*.

B. Intent. These Regulations are intended to:

1. Protect public health, safety, welfare, and the environment of Eagle County.

2. Protect the beauty of the landscape and natural scenic characteristics; to protect wildlife habitat, air, and water quality; and to conserve natural resources.

3. Facilitate the planned and orderly use of land in Eagle County.

4. Regulate the site selection, construction, expansion, extension, operation, and modification of matters of statewide interest to avoid, minimize, or mitigate adverse impacts.

C. Scope of Regulations. Article 2 of these Regulations governs the permitting of designated matters of state interest. Article 3 of these Regulations governs the designation process for matters of state interest.

SEC. 103 AUTHORITY

These Regulations are authorized by C.R.S. § 24-65.1-101, *et seq*.

SEC. 104 PERMIT AUTHORITY

The Board of County Commissioners shall serve as the Permit Authority and perform all functions set forth in these Regulations.

SEC. 105 APPLICABILITY

A. Applicable to Designated Activities. These Regulations apply to the regulation of designated activities of state interest in effect as of the date of these Regulations, occurring wholly or partially in the unincorporated areas of Eagle County, whether on public or private land.

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B. Designated Activities. Designations in effect as of the date of these Regulations are:

1. Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems.

2. Efficient utilization of municipal and industrial water projects.

3. Site selection and construction of major facilities of a public utility, defined for purposes of these Regulations as Transmission Lines and Oil and Gas Pipelines ("Transmission Lines and O&G Pipelines").

4. The use of geothermal resources for the commercial production of electricity ("Commercial Geothermal Resources").

C. Regulated Activities. These Regulations apply to the following activities unless that activity was or will be reviewed and approved as part of a subdivision, Planned Unit Development ("PUD"), or special use permit pursuant to the Eagle County Land Use Regulation ("ECLUR"). The purpose of exempting these listed activities from regulation under these Regulations is to eliminate redundant or duplicative application review for matters that are already covered under the ECLUR.

1. Site selection, construction, or extension of domestic water treatment systems.

2. Site selection, construction, or extension of domestic sewage treatment systems.

3. Municipal water projects.

4. Industrial water projects.

5. Site selection and construction of Transmission Lines and O&G Pipelines.

6. Commercial Geothermal Resources.

SEC. 106 EXEMPTIONS FROM THESE REGULATIONS

A. Statutory Exemptions as of May 17, 1974 pursuant to C.R.S. § 24-65.1-107. Pursuant to C.R.S. § 24-65.1-107, these Regulations shall not apply to any development in an area of state interest or any activity of state interest which meets any one of the following conditions as of May 17, 1974:

1. The development or activity is covered by a current building Permit issued by the County.

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2. The development or activity has been approved by the electorate of the County.

3. The activity is to be on land:

a. Which had been conditionally or finally approved by the County;

b. Which had been zoned by the County expressly for the use contemplated by such activity; or

c. With respect to which a development plan had been conditionally or finally approved by the County.

B. Maintenance Exemption. These Regulations do not apply to any maintenance activities or upgrades of an existing system, project, or facility that do not involve an expansion, extension, or modification and do not result in new or increased impacts within the County.

SEC. 107 INTERPRETATION WITH OTHER ENACTMENTS AND PLANS

A. Whenever the provisions of these Regulations are found to be inconsistent with any other applicable resolution, ordinance, code, regulation, or other enactment of Eagle County, the enactment imposing the more restrictive standards or requirements shall control.

B. Whenever the provisions of these Regulations conflict with the statutory criteria for the administration of matters of state interest in C.R.S §§ 24-65.1-202 and 204, the more restrictive standards or requirements will control.

C. Nothing herein exempts an Applicant from compliance with any other applicable County, state, or federal requirements.

SEC. 108 SEVERABILITY

If any section, clause, provision, or portion of these Regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of these Regulations shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare.

SEC. 109 DEFINITIONS

The words and terms used in these Regulations shall have the meanings set forth below unless the context requires otherwise:

Adverse. Unfavorable, harmful, negative.

Aquifer recharge area. Any area where surface waters may infiltrate into a water-bearing

structure of permeated rock, sand, or gravel. This definition also includes wells used for disposal of wastewater or other toxic pollutants.

Board of County Commissioners or Board. Board of County Commissioners, County of Eagle, State of Colorado. (See also Permit Authority).

Commercial Geothermal Resources. The use of Deep Geothermal Resources for the commercial production of electricity.

County. Eagle County, Colorado.

Days. Calendar days unless otherwise specified herein.

Deep Geothermal Resources. Activities related to operation of a Deep Geothermal Well, including:

a. Conducting geophysical operations; drilling test bores and monitoring wells; siting; installing and operating Flowlines; drilling; deepening; recompleting; reworking; repurposing; and Plugging and Abandoning; and all components and phases thereof.

b. Constructing, site preparing, disposing of geothermal wastes, or reclaiming activities.

c. Energy generation and storage facilities and components for the transmission and distribution of transformed energy including without limitation all transmission lines, batteries, inverters, transformers, structures, trenches, conduits, tanks, pumps, associated battery energy storage systems, and other elements of the system, whether or not such facilities and components are subject to ECMC regulation.

Deep Geothermal Resources do not include the use of any heat extracted with produced fluids in an oil and gas operation if the utilization of the heat would otherwise not be economically feasible as a standalone geothermal resource project.

Deep Geothermal Well. A hole drilled for exploration for and production of Geothermal Resources that are deeper than 2,500 feet below the surface and thus are regulated by the Colorado Energy and Carbon Management Commission ("ECMC").

Designation. That legal procedure specified by C.R.S. § 24-65.1-101, *et seq*., and the revocation or amendment of such designation as carried out by the Board.

Development. Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

Director. Director of the Community Development Department of Eagle County or a designee, or in the absence thereof, the person or persons designated by the County Manager to administer these Regulations.

Domestic sewage treatment system. A system, facility, or group of units and all components thereof with a design capacity of 2,000 gallons per day or more, or the equivalent thereof, used for the treatment of domestic sewage or for the reduction and handling of solids and gases removed from such wastes, whether or not the facility or group of units is discharging into state waters and the operation of such system; and any facility or on-site wastewater treatment system and the operation of such a system, regardless of design capacity, that discharges directly into state waters.

Domestic water treatment system. A system, facility, or group of facilities for the provision of water for human consumption, either directly or by exchange through pipes, reservoirs, or other constructed conveyances, and all components thereof and the operation of such systems, with a design capacity of 15 or more service connections, or the equivalent thereof.

Efficient utilization. The employment of methods and procedures to yield the greatest possible environmental, aesthetic, ecological, domestic, agricultural, municipal, domestic, industrial, and recreational benefits and that minimizes environmental, aesthetic, ecological, domestic, agricultural, municipal, domestic, industrial, and recreational impacts of a proposed Project.

Fats, Oils, and Grease ("FOG"). Organic polar and non-polar compounds derived from animal or vegetable sources that are, or may become, liquid or solidified grease, cooking oil, or related material generated by food preparation, food service, or similar activity.

Generation Tie-In Line. A high-voltage electric line and appurtenant facilities that physically connects a power generation facility, such as a solar array, wind farm, or other power plant, to the existing electrical grid, typically at a substation or point of interconnection. For purposes of these Regulations, a Generation Tie-In Line that is longer than 1,000 feet is a Transmission Line.

Geothermal Resources. The natural heat of the earth, and including energy that may be extracted from that natural heat; the substance or medium used to extract the energy from a Geothermal Resource; and byproducts of extracting the Geothermal Resource.

High-Strength Organic Waste. Any FOG, septage, or other hauled or piped waste stream with elevated levels of a five-day biochemical oxygen demand (BOD_5), chemical oxygen demand (COD), total suspended solids (TSS), oil and grease, or fats/oil/grease concentration requiring specialized treatment to prevent interference with conventional wastewater systems.

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Including or includes. Including or includes, without limitation, unless otherwise specified herein.

Impact. Any alteration or change to the natural or human environment resulting directly or indirectly from the regulated activity or development or cumulatively in combination with all other past, present, and reasonably foreseeable future land use activities and development in the County.

Impact Area. Those geographic areas in which impacts are likely to be caused by the Project. Impact Areas may include areas within the boundaries of another political subdivision if the Board had entered into an intergovernmental agreement providing for cooperative regulation of impacts that may occur within the boundaries of both the County and the political subdivision.

Industrial water project. A system that provides water for industrial uses, including water used for such purposes as fabricating, processing, washing, diluting, cooling, or transporting a product; incorporating water into a product; for sanitation needs within the manufacturing facility; or snowmaking. An industrial water project includes extensions or expansions of existing systems and modifications in operation of an existing system resulting in new or increased impacts within the County. Systems for a snowmaking project are limited to:

a. Those through which water is diverted and/or stored for snowmaking; or

b. Permanent distribution systems and components.

Major extension of an existing domestic water treatment system. The increase in existing domestic water treatment service capacity or storage capacity.

Major extension of an existing domestic sewage treatment system. The increase in existing domestic sewage treatment service capacity or storage capacity.

Major facility of a public utility. Transmission Lines of electrical utilities and Oil and Gas Pipelines. Power plants, including solar and wind energy facilities and battery energy storage systems, and substations are regulated under the Eagle County Land Use Code and are not subject to these regulations.

Matter of state interest. An area of state interest or an activity of state interest or both, as defined under C.R.S. § 24-65.1-101, *et seq*.

Mitigation. Those steps, measures, or activities to address, rectify, or reduce known, anticipated, and reasonably foreseeably adverse impacts identified in an application. The purpose of mitigation, when implemented, is to address, rectify, or reduce those impacts so that the project will comply with the applicable Permit Approval Standards in Article 4.

Monitoring Plan. Unless otherwise described herein, a plan that monitors the effectiveness of proposed mitigation that includes 1) proposed locations, frequency, and timing of monitoring; 2) the process for responding when established criteria are not met, established thresholds are exceeded, or mitigation is not effective; and 3) a process and time frame for reporting results and proposed responses to the County.

Municipal water project. A public water treatment, collection, and/or conveyance system, and the operation thereof, whether water is used directly, by exchange, or by other means, and all related components, including in-take and storage structures, pipes, reservoirs, and other conveyances. A municipal water project includes extensions or expansions of existing systems and modifications in operations of existing systems resulting in new or increased impacts within the County.

Naturally-mediated energy transfer. The transfer of energy and resources through natural processes in the ecosystem and physical habitat.

Oil and Gas Operations. Pursuant to 2 C.C.R. 400-1-100, exploring for oil and gas, including conducting seismic operations and the drilling of test bores; siting, drilling, deepening, recompleting, reworking, or abandoning a well; producing operations related to any well, including installing flowlines; the generating, transporting, storing, treating, or disposing of exploration and production wastes; and any constructing, site preparing, or reclaiming activities associated with such operations. Oil and Gas Operations may be subject to the Eagle County Land Use Regulations.

Oil and Gas Pipeline (O&G Pipeline). Pipelines that are constructed to move oil or natural gas from central collection points to refineries, processing facilities, storage hubs, or other transmission pipelines. For purposes of these Regulations, Oil and Gas Pipelines do not include flowlines or other pipelines that are subject to the Eagle County Land Use Regulations and ECMC regulation as part of Oil and Gas Operations.

Permit. A Permit required under these regulations, also known as a "1041 Permit."

Permit Authority. The Board of County Commissioners, or its designee.

Person. Any individual, partnership, corporation, limited liability company, association, company, or other public or corporate body, including the federal government, and any political subdivision, agency, instrumentality, or corporation of the State or the United States government.

Project. The proposed activity or development for which a Permit is sought under these Regulations, including all support facilities, activities, components, and projects that are required for the activity.

Septage. The liquid and solid material removed from an OWTS septic tank, aerobic

treatment unit, holding tank, or similar onsite treatment or containment component, including material removed during routine pumping, maintenance, or system failure response.

Significant. Deserving to be considered, important, notable, and not trifling.

Significantly degrade. To lower in grade or desirability to a significant, as opposed to trifling, degree. "Cause significant degradation" has the same meaning.

Significantly deteriorate. To make inferior in quality or value to a significant, as opposed to trivial, degree. "Cause significant deterioration" has the same meaning.

Transmission Lines. Utility-scale, high-voltage electric line and appurtenant facilities that transmit electricity at 115 kilovolts or greater unless the Transmission Line was or will be reviewed and approved as part of a subdivision, Planned Unit Development, special use permit, or limited use permit. A Generation Tie-in Line that is greater than 1,000 feet is a Transmission Line for purposes of these Regulations.

Waterbody. Ephemeral, intermittent, and perennial streams and rivers, lakes, ponds, stormwater ditches, wetlands, riparian areas, or aquatic habitats. Man-made irrigation ditches and stock ponds that do not discharge into waterbodies are excluded from this definition. Waterbodies that meet this definition are subject to these Regulations, whether or not waterbodies are subject to the U.S. Army Corps of Engineers' jurisdiction or the Colorado Water Quality Control Division jurisdiction.

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ARTICLE 2 STEPS IN PERMIT APPLICATION PROCESS

SEC. 201 PERMIT OR FINDING OF NO SIGNIFICANT IMPACT REQUIRED

A. No person may conduct a designated activity of state interest wholly or partially in Eagle County, whether on public or private land, without first obtaining a Finding of No Significant Impact ("FONSI") or a Permit under these Regulations.

B. An activity that was or will be reviewed and approved as part of a subdivision, PD Plan, or special use permit pursuant to the ECLUR does not require a Permit or FONSI under these Regulations.

SEC. 202 APPLICANT RESPONSIBLE FOR COST OF CONSULTANTS AND REFERRAL AGENCIES

The Director may engage technical or legal consultants to assist in reviewing preapplication materials, determining if the application is complete, reviewing and processing a complete application, and conducting the hearing. The Applicant shall pay costs of outside consultants and referral agencies.

SEC. 203 PRE-APPLICATION PROCEDURE

A. **Pre-application Meeting Required.** Before submitting an Application for a Permit or requesting a FONSI under these Regulations, the Applicant shall meet with the Director.

B. **Meeting Purpose.** The purpose of the pre-application meeting is to permit the Applicant and the staff to review the proposal informally and to coordinate with or request review and comment from other relevant agencies before a substantial commitment of time and money is made. Topics of discussion may include:

1. The location and nature of the proposed Project.

2. The Application submittal requirements, the content and scope of materials that will be responsive to those requirements, and waivers of any materials that would not be necessary in determining whether the Application complies with all requirements.

3. Any Permit terms and conditions for the Project that may be imposed by state or federal agencies.

4. Site-specific concerns and issues regarding the Project.

5. Projected impacts and potential avoidance, minimization, and mitigation.

6. County requirements that must be satisfied for Permit approval.

7. Whether the Applicant is eligible for, and may be requesting, a FONSI.

C. Materials Required for Pre-Application Meeting. At least 14 days prior to the pre-application meeting, the Applicant shall provide the Director with a written summary of the Project including:

1. The Applicant's name, address, and phone number.

2. Name and qualifications of the person(s) responding to these Regulations.

3. Description of the Project, including, for municipal and industrial water projects or domestic water and sewage treatment systems, the source of water, areas to be served by the Project, number of units or people to be served, and explanation of why existing water and/or sewer systems cannot meet these needs.

4. Map prepared at an easily readable scale, as determined by the Director, showing the location of the Project; proposed buildings, improvements, and infrastructure; the Project's Impact Area; and surrounding natural and man-made features such as roads, streams, wetlands, floodplains, and existing structures.

5. Information that is sufficient for determining the degree of adverse impacts associated with the Project.

D. Determination of FONSI or Permit and Fee Required.

1. The Director shall determine whether a Project requires a FONSI or Permit. Based upon the pre-application meeting, the Director may request additional information that might be necessary to evaluate a request for a FONSI, issue a FONSI, or determine that a Permit is required.

2. Within 14 days of the pre-application meeting or receipt of additional materials as requested by the Director following the preapplication conference, the Director may establish an estimate of the amount necessary to cover costs of determining whether a Project requires a FONSI or a Permit. The estimate will include the costs of copying, mailing, publications, labor, overhead, and the retention of consultants, experts, and attorneys that the County deems necessary to advise it in making the determination, consistent with Section 205. The Applicant shall pay the estimate before the Director proceeds with any FONSI or Permit processing

SEC. 204 FINDING OF NO SIGNIFICANT IMPACT

A. Director Determination. Upon request of the Applicant or upon the Director's determination, the Director may issue a FONSI as follows, based upon the pre-application materials, the information obtained at the pre-application meeting, and any

additional information requested by the Director. Such determination may be made by the Director at such time as sufficient information is provided by the Applicant after the pre-application meeting.

1. Criteria for FONSI.

a. The Director may issue a FONSI if the Director finds that the construction or operation of the Project, in its proposed location will satisfy the standards in Article 4 of these Regulations without mitigation or because the Project will be adequately mitigated through County, state, or federal permitting processes.

b. The Director may impose conditions on the FONSI as necessary to ensure the construction and operation of the Project will satisfy the standards in Article 4.

c. If the Director issues a FONSI, then the Applicant does not need to obtain a Permit under these Regulations.

d. A FONSI under these Regulations does not exempt a Project proponent from compliance with any applicable special use or conditional use requirements, building permits, or other County, state, or federal requirements.

2. Notice of Director's Determination of a FONSI.

a. The Director shall notify the Applicant by mail and email and the Board, the County Manager, and the County Attorney by e-mail of the Director's determination to issue or not to issue a FONSI, along with the rationale for their decision.

b. If the Director issues a FONSI, the Director shall publish notice of the issuance once in the County legal newspaper not more than 21 days following the determination. The notice shall describe the Project and the rationale for issuing a FONSI.

3. Call-up of FONSI Issuance.

a. Within 28 days after publication of the Director's FONSI issuance, the Board may decide to reconsider the FONSI issuance at the next meeting of the Board for which proper notice can be accomplished.

b. At the reconsideration meeting, the Board will take into account the criteria for a FONSI and the Director's rationale for such FONSI and may, in its own discretion, consider or set aside the Director's FONSI.

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4. **Activity Notice.** If the Director issues a FONSI, then the Applicant shall follow the process for an Activity Notice in Article 6.

B. **Permit Required.** If the Director or Board determines that a FONSI is not appropriate, the Applicant must obtain a Permit under these Regulations.

SEC. 205 PERMIT APPLICATION FEE

A. **Application Fee.** An Applicant shall submit the Application Fee of $25,000 in certified funds as part of the Application. The Director may reduce this Application Fee if the Director determines that, because of the scope, location, scale, or intensity of the Project, a lower Application Fee amount will reasonably cover all County costs of processing the application.

B. **Management of the Application Fee.**

1. The Director shall deposit the Application Fee in an account and shall use the account to pay costs of processing the application.

2. The Director shall maintain accurate records of how the Application Fee is used and will make such records available for inspection by the Applicant and the public at reasonable times as determined by the County.

3. If the balance of the Application Fee falls below $10,000, the Director shall notify the Applicant, and the Applicant shall deposit the amount necessary to retain a balance of at least $10,000 unless the Director determines reduced amounts are appropriate.

4. The County shall reimburse to the Applicant any portion of the Application Fee that is not necessary to cover the cost of processing the application.

C. **No Action Until Fees are Paid**. The Director will not deem the Application complete, and the Board will take no action on the Application, until the Applicant has paid all fees and expenses related to the Application review process.

SEC. 206 PERMIT APPLICATION SUBMITTAL

A. Within 6 months following the pre-application meeting, the Applicant shall submit to the Director Application materials in Article 3 and the Application Fee.

B. If the Director does not receive an application within 6 months of the pre-application meeting, the Applicant may submit a written request detailing the need for an extension, and the Director may grant such request in their sole discretion. If an extension is not granted, an Applicant shall repeat the pre-application procedure in Section 203 before

submitting an application.

SEC. 207 COMPLETENESS DETERMINATION ON PERMIT APPLICATION

A. No Processing Until Application is Complete. The Director shall not process an Application until the Director has determined that the Application is complete.

B. Completeness Determination. The application is not final, and the County will issue no deadlines for Application review, notices, or hearings, until the Director has determined that the application is complete ("Completeness Determination"). The Director will determine whether the Application is complete based on whether the materials are responsive to the Application material requirements in Section 301 of these Regulations, including whether the Applicant has paid the Application Fee as established in Section 205 of these Regulations.

1. Application is Not Complete.

a. If the Application is not complete, the Director will inform the Applicant in writing of the deficiencies and set a deadline of at least 28 days by which the Applicant must correct the deficiencies. An Applicant may request an alternate deadline, and the Director shall determine the appropriate deadline in their sole discretion.

b. If the Applicant fails to correct the deficiencies before the state deadline, the Director will consider the Application withdrawn unless the Director determines that additional time is appropriate.

c. The Director will take no further action on the Application until the deficiencies are remedied.

2. Application is Complete.

a. If the Application is complete, the Director will notify the Applicant in writing that it is complete and stamp the application with the date of completeness determination.

b. The Director's determination that the application is complete starts the time for application review, setting the hearing date, noticing the hearing, and holding the hearing.

c. The Completeness Determination does not constitute the approval of the Project or any other opinion of the Director about the application.

C. Timeline for Applications of Public Utility or Power Authority. Pursuant to C.R.S. 29-20-108, the Director shall conduct the completeness review within 28 days following

submittal of an application of a public utility or a power authority providing electric or natural gas service that relates to the location, construction, or improvement of a major facility of a public utility.

SEC. 208 BOARD HEARING SCHEDULED AND NOTICE PUBLISHED

A. No later than 30 days after Application is deemed complete, the Director shall set the date, location, and time for a future Board hearing on the Application.

B. The Director shall publish a notice of the hearing once in the County legal newspaper, not less than 30 days or more than 60 days before the date set for the hearing. The notice shall include:

1. The time and place of the hearing.

2. The place at which materials relating to the matter to be designated and any guidelines and regulations for the administration thereof may be examined.

3. The telephone number or email address where inquiries may be submitted.

4. A short description of the proposed Project, including the location, legal description, and area (size) of the land.

5. A short description of the proposed action requested.

SEC. 209 REFERRAL OF APPLICATION.

At any time during the Permit process, the Director may refer the application to any other local, state, or federal agencies that have expertise pertaining to or jurisdiction over the Project along with a deadline for offering comments.

SEC. 210 STAFF REPORT

A. The Director shall prepare a staff report that summarizes the Application and comments from consultants, legal counsel, referral agencies, if any, and the public.

B. The staff report shall identify any approval standard that has not been satisfied and may recommend conditions to address any standard that has not been satisfied.

C. The Director shall provide a copy of the staff report to the Board, the Applicant, and to the public upon request.

SEC. 211 REVIEW AND DECISION BY THE BOARD

Following a public hearing, the Board shall approve, approve with conditions, or deny the

Application. The burden of proof is on the Applicant to demonstrate that the Project complies with these Regulations, and the Board's decision shall be based on all of the information on the Hearing Record.

A. **Approval of Application.** The Board may approve the Application if the Board finds that the Applicant has demonstrated that the Project will comply with each Permit Approval Standard in Article 4.

B. **Denial of Application.** The Board shall deny the Application if the Board finds that the Project does not comply with any one of the Permit Approval Standards in Article 4.

C. **Conditional Approval.** In lieu of denial, the Board may approve the Application with conditions if the Board finds that such conditions are necessary to find that the Application complies with each Permit Approval Standard in Article 4.

D. **Hearing Record.** The Hearing Record shall include the following:

1. The Application package.

2. Written statements or documents commenting on the Application and any such materials submitted during the hearing.

3. Written statement of reasons for Board decision and its findings and conclusions, pursuant to C.R.S. § 24-65.1-501(5)(a).

4. Any recording and transcript of the hearing.

5. The resolution of the Board granting or denying the Application.

E. **Timeline for Applications of Public Utility or Power Authority.** Pursuant to C.R.S. 29-20-108, the Board shall issue a decision on an application of a public utility or a power authority providing electric or natural gas service that relates to the location, construction, or improvement of a major facility of a public utility within 90 days of the Director's determination of a Complete Application, or else the application is deemed approved.

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ARTICLE 3 PERMIT APPLICATION MATERIALS

SEC. 301 APPLICATION MATERIALS GENERALLY

A. **Applicant to Submit Application.** The Applicant shall submit the Permit Application, including the following materials, to the Director. The Permit Application shall be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Director.

B. **Waiver of Materials.** Prior to submittal of the application, an Applicant may submit a written request to the Director for a waiver of the requirement to submit any of the following application materials. The Director may grant the request for a waiver of the requirement to submit any Application material(s) if the Director determines that, because of the scope, location, scale, nature, or intensity of the Project, the material is not relevant to a determination as to whether the Application satisfies the Permit Approval Standards in Article 4.

C. **Materials Submitted to State or Federal Agencies**. The Applicant may submit materials that have been prepared for state, federal, or local agencies to satisfy, in whole or in part, corresponding County application requirements. If such other materials are submitted, the application must identify with specificity the portion of such materials that are relevant to the required County application material for which it is submitted.

D. **References to Other Permits or Agreements**. An Applicant may provide an Intergovernmental Agreement, requirements or conditions in another Permit, or other outside materials as evidence that the Project complies in whole or in part with the Permit Approval Standards in Article 4 of these Regulations.

E. **Scope of Application Materials**. Unless otherwise stated, application materials should address both the construction and operation of the Project and should address impacts to the Impact Area for the Project.

SEC. 302 INFORMATION DESCRIBING THE APPLICANT

A. The names, address, contact information, organizational form, and business of the Applicant and, if different, the owner of the Project.

B. The names, contact information, and qualifications, including areas of expertise and experience with projects directly related or similar to the Project, of individuals responsible for constructing and operating the Project.

C. Authorization of the Application package by the Project owner, if different than the Applicant.

D. Authorization of the Application package by the owner of the property on which the

Project is located, if different than the Applicant and/or Project owner.

E. Documentation of the Applicant's financial and technical capability to develop and operate the Project, including a description of the Applicant's experience developing and operating similar projects.

F. Written qualifications of persons preparing the Application.

SEC. 303 INFORMATION DESCRIBING THE PROJECT

A. A narrative description of the Project.

B. Schedules for designing, permitting, constructing, and operating the Project.

C. Maps, plans, and specifications of the Project in sufficient detail to evaluate the Application against the Permit Approval Standards in Article 4 of these Regulations.

D. The need for the Project, including:

1. Existing/proposed facilities that perform the same or related function.

2. Population projections or growth trends that form the basis of demand projections justifying the Project.

3. How the current Project configuration avoids adverse impacts to the County generally and is the best approach to meeting applicable standards in these Regulations.

SEC. 304 TECHNICAL AND FINANCIAL FEASIBILITY OF THE PROJECT

A description of the technical and financial feasibility of the Project, including:

A. The estimated construction costs and period of construction for each phase of the Project.

B. Estimated mitigation costs for the Project.

C. For Projects that will serve water within the County, details of any contract or agreement for revenues or services in connection with the Project.

D. For Projects that will serve water outside the County, a description of the area to be served and a description of the contracts or agreements with entities to serve water.

E. Description of the number and location of persons or entity(ies) who will pay for or use the Project and/or services produced by the Project and those who will benefit from revenues generated by it.

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SEC. 305 PROPERTY RIGHTS, PERMITS, AND APPROVALS

A. A list and copies of the federal, state, and other local permits or approvals that have been or will be required for the Project, together with any proposal for coordinating these permits or approvals with the County permitting process, and copies of any permits and approvals upon issuance.

B. Copies of any official federal and state consultation prepared for the Project.

C. Copies of any draft or final environmental assessments or impact statements prepared for the Project.

D. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Project.

E. Description of the Applicant's right to use the water, including adjudicated decrees, applications for decrees, and judicially-decreed augmentation plans.

SEC. 306 VICINITY MAP

Map and description of the location of the Project and the Project's Impact Area, shown on USGS quadrangle map, including:

A. All existing roads and proposed structures and appurtenant facilities.

B. Any structures associated with land uses within the Impact Area of the Project.

C. Existing and proposed roads, railroad tracks, fences, rights-of-way, and utility lines on or adjacent to the site.

D. The boundary of the watershed(s) in which the Project is located.

E. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the Project and storm drainage.

F. Hydrologic features on site (with a more detailed map required for Section 307 of these Regulations).

G. Slopes and areas of subsidence.

H. Excavations and mines.

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SEC. 307 WATERSHED IMPACT ASSESSMENT, MITIGATION, AND MONITORING

Baseline conditions of the watershed, including peripheral and downstream surface and subsurface resources, a description of the adverse impacts of the Project, and proposed mitigation. In preparing this information, the Applicant shall refer to relevant local and regional agencies (conservation districts, conservancy districts, watershed agencies) and relevant local and regional plans, reports, and studies.

A. **Consultation with CPW.** The Applicant shall consult with CPW in developing the Watershed Impact Assessment, Mitigation, and Monitoring Plan required by this Section and shall provide documentation of such consultation.

B. **Map.** A map or series of maps of the Project site that includes:

1. Boundaries of the watershed.

2. Natural and artificial drainageways, ditches, waterbodies, and hydrologic features on-site, including intermittent and ephemeral water features, wetlands, riparian areas, and the 100-year floodplain boundaries.

3. All tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches within watershed(s) affected by the Project.

4. Vegetative cover, including type of flora and identification of species.

5. Existing and proposed roads, railroad tracks, fences, and utility lines on or adjacent to the site, shown by location and dimension.

6. All existing and proposed structures and appurtenant facilities, shown by location and dimension.

C. **Flows and Hydromorphology Impact Assessment and Mitigation.** An impact assessment and mitigation plan for flows and hydromorphology that includes:

1. **Flows and Hydromorphology Baseline.** Existing flows and hydromorphology in the affected watershed, sufficient to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation. This baseline may utilize data from relevant local watershed plans and other sources. Baseline description shall include:

a. Hydrograph during representative wet, dry, and average years and the rationale for establishing year types.

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b. Existing agricultural, ecological, municipal, domestic, industrial, and recreational uses; any recommended target flows for such uses; and ability of the affected stream segments to meet target flows.

c. Perfected and conditional water rights and existing and proposed water diversions from the watershed that affect stream conditions.

d. Existing and proposed instream flow water rights.

e. Gold medal and quality waters, as designated by Colorado Parks and Wildlife (CPW), or other waters receiving special designation in Eagle County.

f. Stream segments and waterbodies that have been identified as having inadequate flows for agricultural, ecological, municipal, domestic, industrial, and recreational needs.

g. Impaired stream segments and water bodies that are recommended for restoration or improvements.

h. Stream hydromorphology, including:

(1) Sediment transport dynamics and areas where in-channel sediment deposition or erosion occur. Identify sediment sources as natural or man-made.

(2) Pool and riffle habitat.

(3) Timing, duration, frequency, and amounts of flushing flow and channel maintenance flows.

(4) Bank erosion and causes.

2. Impacts. Adverse impacts of the Project to streamflows and hydromorphology.

3. Streamflows and Hydromorphology Mitigation Plan. A plan for mitigating adverse impacts to streamflows and hydromorphology.

D. Surface Water Quality Impact Assessment and Mitigation. An impact assessment and mitigation plan for water quality for any surface water segments affected by the Project that includes:

1. Surface Water Quality Conditions Baseline. Existing condition of surface water quality for surface water affected by the Project.

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a. This baseline may utilize data from relevant local watershed plans.

b. This baseline shall include surface water data collected during three recent, representative, and successive years, or as specified by the Director, sufficient to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation.

2. Impacts. Adverse impacts of the Project to surface water quality. The description of impacts should address:

a. Patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates, and clarity, odor, color, or taste of water.

b. Applicable narrative and numeric water quality standards.

c. Stream segments and waterbodies that are impaired, including any segments listed on the Colorado Department of Public Health and Environment's List of Impaired Waters or Monitoring and Evaluation List (5 CCR 1002-93).

d. Point and nonpoint source pollutant loads.

e. Sediment loading to waterbodies.

f. Stream channel or shoreline stability.

g. Stormwater runoff flows.

h. Trophic status and eutrophication rates in lakes and reservoirs.

i. Flushing flows and channel maintenance flows.

j. Dilution rates of mine waste, agricultural runoff, and other unregulated sources of pollutants.

3. Surface Water Quality Mitigation Plan. A plan for mitigating adverse impacts to surface water quality.

E. Groundwater Quality Impact Assessment and Mitigation. An impact assessment and mitigation plan for groundwater quality that includes:

1. Groundwater Quality Baseline. Existing conditions of groundwater quality for groundwater affected by the Project, sufficient to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation. Baseline description

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shall include groundwater quality, soil permeability characteristics, aquifer recharge rates, groundwater levels, and a description of other groundwater users in the Impact Area

2. **Impacts.** Adverse impacts of the Project to groundwater quality.

3. **Groundwater Quality Mitigation Plan.** A plan for mitigating adverse impacts to groundwater quality.

F. Floodplain, Wetlands, Riparian Areas, and Fens Impact Assessment and Mitigation. An impact assessment and mitigation plan for floodplains, wetlands, riparian areas, or fens in the Impact Area that includes:

1. **Floodplain, Wetlands, Riparian Areas, and Fens Baseline.** Existing conditions for floodplain, wetlands, riparian areas, and/or fens affected by the Project, sufficient to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:

   a. Structure and function of floodplain, wetlands, riparian areas, and/or fens.

   b. Filtering and pollutant uptake capacities of wetlands and riparian areas.

   c. Aerial extent of floodplain, wetlands, riparian areas, and/or fens.

   d. Wetlands species composition and diversity.

   e. Transition from wetland to upland species.

   f. Aerial extent, function, and channel connectivity of floodplains.

   g. Alteration in hydrology that would allow succession to upland species.

2. **Impacts.** Adverse impacts of the Project to floodplain, wetlands, riparian areas, and/or fens in the Impact Area.

3. **Floodplain, Wetlands, Riparian Areas Mitigation Plan.** A plan for mitigating adverse impacts to the floodplain, wetlands, riparian areas, and/or fens.

G. Aquatic Life and Habitat Impact Assessment and Mitigation. An impact assessment and mitigation plan for aquatic life and habitat that includes:

1. **Aquatic Life and Habitat Baseline.** Existing conditions for aquatic life and habitat in streams affected by the Project, sufficient to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:

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a. Species composition and density.

b. Threatened or endangered species.

c. Habitat including riparian vegetation, stream bed and banks, spawning grounds, riffle and pool areas, off-channel habitat, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species.

d. Existing and recommended conditions for habitat improvements identified in any stream management plans or watershed protection plans that cover the segments affected by the Project.

2. Impacts. Adverse impacts of the Project to aquatic life and habitat in the Impact Area. The impact assessment should address:

a. Species composition and density.

b. Threatened or endangered species.

c. Habitat including riparian vegetation, stream bed and banks, spawning grounds, riffle and pool areas, off-channel habitat, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species.

3. Aquatic Life and Habitat Mitigation Plan. A plan for mitigating adverse impacts to aquatic life and habitat.

H. Watershed Monitoring Plan. A plan that monitors the effectiveness of proposed mitigation in this Section that includes:

1. Key stream segments, waterbodies, groundwater, floodplains, wetlands, riparian area, or aquatic life to be monitored.

2. Key indicators of water quality and watershed health and threshold levels that will be monitored to detect changes in water quality and watershed health.

3. Locations for and frequency of sampling and monitoring to establish baseline conditions including, water quality, aquatic life and macro-invertebrates, and groundwater data; the Project's impacts to these resources; and effectiveness of, or proposed changes to, mitigation.

4. Process for reporting to the Director when criteria are not met, or thresholds are

exceeded, as identified in the monitoring plan.

SEC. 308 WATER SUPPLY

Description of the water to be used by the Project, including: the source, amount, and quality of water; the Applicant's right to use the water, including adjudicated decrees and applications for decrees; proposed points of diversion and changes in the points of diversion; the existing uses of the water; and alternative water sources available to the Applicant. If an augmentation plan for the Project has been decreed or an application for such plan has been filed in court, the Applicant shall submit a copy of that plan.

SEC. 309 AIR QUALITY IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for air quality in the Impact Area that includes:

A. **Baseline.** Description of current air quality conditions in the Impact Area sufficient to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation, including ambient air quality, visibility, and state air quality standards of the airsheds to be affected by the Project.

B. **Impact Assessment.**

1. Assessment and modeling of the emissions projected to be produced during construction and operation of the Project, including haul vehicles and generators.

2. Assessment of adverse impacts of the Project to air quality under both average and worst-case conditions including from diesel emissions.

C. **Mitigation and Monitoring Plan.** A plan for mitigating any identified adverse impacts to air quality and a Monitoring Plan.

SEC. 310 WILDLIFE AND WILDLIFE HABITAT IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for wildlife and wildlife habitat in the Impact Area that includes:

A. **CPW Consultation.** The Applicant shall consult with CPW in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section and shall provide documentation of such consultation.

B. **Wildlife and Wildlife Habitat Baseline.** Existing wildlife and wildlife habitat conditions sufficient to evaluate Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:

1. Map and description of wildlife in the Impact Area, including the status and

relative importance of each wildlife species.

2. Any species listed as threatened or endangered under the Endangered Species Act or listed by CPW as State Threatened or Endangered, Species of Special Concern, or Species of Greatest Conservation Need.

3. Critical wildlife habitat including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitats, U.S. Fish and Wildlife Service Critical Habitat, and endangered species habitat.

C. Impacts. Adverse impacts of the Project on wildlife and wildlife habitat. The impact assessment should address:

1. Changes in wildlife species composition or density.

2. Changes in number of threatened or endangered species.

3. Changes to all habitat and critical habitat, including for example calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of wildlife species.

D. Wildlife and Wildlife Habitat Mitigation and Monitoring Plan. A copy of any wildlife mitigation plan approved by the Colorado Parks and Wildlife (CPW), and a plan for mitigating adverse impacts to wildlife and wildlife habitat not covered by the CPW Wildlife Mitigation Plan, and a wildlife and wildlife habitat Monitoring Plan.

SEC. 311 PLANT LIFE (TERRESTRIAL) IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for plant life in the Impact Area that includes:

A. Plant Life Baseline. Map and description of terrestrial plant life, including the type, density, and rare, threatened, or endangered status of plant species, sufficient to evaluate the Project impacts and ensure the adequacy of proposed monitoring and mitigation.

B. Impacts. Adverse impacts of the Project to terrestrial plant life. The impact assessment should address:

1. Changes to habitat of rare, threatened or endangered plant species.

2. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.

3. Changes in advancement or succession of desirable and less desirable plant

species, including noxious weeds.

4. Changes in rare, threatened or endangered species.

C. Plant Life Mitigation and Monitoring Plan. A plan for mitigating adverse impacts to terrestrial plant life and a terrestrial plant life Monitoring Plan.

SEC. 312 SOILS, GEOLOGIC, AND NATURAL HAZARDS IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for soils, geologic, or natural hazards in the Impact Area that includes:

A. Baseline. A map and description of the soils, geologic conditions, and natural hazards that will affect the Project or will be affected by the Project, including topography, soil morphology, soil productivity, natural drainage, avalanche areas, rockslide areas, landslide/earthflow area, mud flows and debris fans, unstable and potentially unstable slopes, special seismic considerations, areas of high radioactivity, subsidence areas, expansive soils and rock, soil erosion potential, and wildfire hazard areas.

B. Impact Assessment. Assessment of the adverse impacts of the Project to soils, geologic conditions, and natural hazards; and risks to the Project from geologic conditions and natural hazards.

C. Mitigation and Monitoring Plan. A plan for mitigating any identified adverse impacts to soils and geologic conditions within the Impact Area, a plan for mitigating the risk of natural hazards to the Project, and a Monitoring Plan.

SEC. 313 GRADING, EROSION, AND SEDIMENT CONTROL PLAN

A plan for grading, erosion, and sediment control for construction and operation of the Project, including:

A. A map and description of areas of soil disturbance and cut and fill, and a map depicting existing (solid lines) and proposed (dashed lines) contours at two-foot intervals or other contour intervals approved by the Director.

B. Narrative description and scaled drawings of specific erosion and sediment control measures, including approximate locations of drainage facilities and drainage patterns on-site and in the Impact Area; and wetlands or other water bodies receiving storm runoff from the site. Typical erosion control measures should be depicted using standard map symbols.

C. Construction schedule, indicating the anticipated starting and completion time periods of the site grading and/or construction phases including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area

prior to the completion of temporary erosion and sediment control measures.

D. Estimated total cost of the required temporary soil erosion and sediment control measures, to determine performance guarantees for the proposed plan.

E. Calculations made for determining rainfall runoff and sizing of any sediment basins, diversions, conveyance, or detention/ retention facilities.

SEC. 314 STORMWATER MANAGEMENT PLAN

A plan for detaining stormwater run-off on site during construction and operation of the Project. The applicant may submit a copy of the Colorado Water Quality Control Division Stormwater Permit and Stormwater Management Plan to meet this requirement. If unavailable upon application submittal, the Director may defer this application material and recommend the Board adopt the application material as a condition of the Permit.

SEC. 315 HAZARDOUS MATERIALS MANAGEMENT PLAN

A management plan for the use, storage, transport, disturbance of, or production of hazardous materials that includes:

A. Description of the historic usage of the site for the generation, use, transport, or storage of hazardous materials, including any underground tanks present on site and hazardous chemical deposition for the previous 60 years, and a plan for addressing any existing contamination on the site.

B. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with construction and operation of the Project, including:

1. The type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.

2. Any historical infrastructure being renovated required to provide secondary containment units.

3. How storage methods comply with Permit Approval Standard at Section 417.

C. Measures, procedures, and protocols for spill prevention, storage, and containment.

D. Measures, procedures, and protocols for reporting spills and storage to County, state, and federal officials.

E. Measures, procedures, and protocols for clean-up and contingency, and description of the financial security for these provisions.

SEC. 316 EMERGENCY PREPAREDNESS AND RESPONSE PLAN

A plan that addresses preparedness and response for emergency events such as: explosions, fires, toxic emissions, transportation of hazardous material, and vehicle accidents or spills. The plan shall include proof of adequate personnel, supplies, and funding to immediately implement the Plan.

SEC. 317 LOCAL GOVERNMENT SERVICES IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for local government services and facilities that includes:

A. **Local Government Services Assessment.** Existing capacity and demand for local government services, including roads, water and wastewater treatment, water supply, emergency services, law enforcement, transportation, infrastructure, and other services necessary to accommodate development associated with the Project.

B. **Impacts.** Adverse impacts of the Project to the capability of local governments to provide services or on the capacity of service delivery systems.

C. **Local Government Services Mitigation.** A plan for mitigating adverse impacts to local government services.

SEC. 318 TAX BURDEN IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan of tax burdens for County residents that includes:

A. **Existing Tax Burden.** Description of the existing tax burden and fee structure for government services, including assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.

B. **Impacts.** Adverse impacts of the Project on the tax burden of residents. The impact assessment shall include:

1. Cost of securing an adequate supply of water for the existing and future development needs.

2. Changes in costs to water users to exercise their water rights.

3. Changes in costs of water or sewage treatment.

4. Changes in assessed valuation and property tax burden.

5. Tax revenues and fees to local governments that will be generated by the Project.

6. Effects on wastewater discharge permits.

7. Effects on water users' ability to get water into their diversion structures or water wells.

C. Tax Burden Mitigation Plan. A plan for mitigating adverse impacts to the tax burden on County residents.

SEC. 319 HOUSING IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for housing in the Impact Area that includes:

A. Baseline. A description of the workforce associated with the Project, including resident and nonresident workers and associated salary ranges.

B. Impact Assessment. Assessment of the adverse impacts of the Project on overall housing availability, including whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and an assessment of the potential to displace existing residents due to rising housing costs.

C. Mitigation Plan. A plan for mitigating any adverse impacts to housing in the County.

SEC. 320 LOCAL ECONOMY IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for the local economy in the Impact Area that includes:

A. Local Economy Baseline. Baseline conditions of the local economic conditions sufficient to evaluate the Project impacts and ensure the adequacy of proposed mitigation, including revenues generated by the different economic sectors and the value, use, or productivity of different lands.

B. Impacts. Adverse impacts of the Project on the local economy and opportunities for economic diversification. The impact assessment shall include:

1. Changes to projected revenues generated from each economic sector.

2. Changes in the value or productivity of any lands.

3. Changes caused by agricultural lands being removed from production.

4. Changes in opportunities for economic diversification.

C. Local Economy Mitigation Plan. A plan for mitigating adverse impacts to the local

economy.

SEC. 321 RECREATIONAL OPPORTUNITIES IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for recreational opportunities in the Impact Area that includes:

A. **Recreational Opportunities Baseline.** Baseline conditions for recreational opportunities in the impact area sufficient to evaluate the Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:

1. Description of existing recreational uses, including visitor days and the revenue generated by types of recreational uses where that information is available.

2. Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, multi-use, hiking, and biking trails, and wilderness areas.

B. **Impacts.** Adverse impacts of the Project on recreational opportunities and revenues derived from recreational uses. The impact assessment shall include:

1. Changes to existing and projected visitor days.

2. Changes to duration of kayaking and rafting seasons.

3. Changes in quality of the fishing experience and duration of fishing season, including changes in fishing closures due to high temperatures.

4. Changes in quality and quantity of fisheries.

5. Changes in access to recreational resources.

6. Changes to quality and quantity of multi-use, hiking, equestrian, and biking trails.

7. Changes to the quality of the wilderness experience.

8. Changes to hunting.

9. Changes to the quality of the skiing experience.

C. **Recreational Opportunities Mitigation Plan.** A plan for mitigating adverse impacts to recreational opportunities.

SEC. 322 AREAS OF PALEONTOLOGICAL, HISTORIC, OR ARCHAEOLOGICAL IMPORTANCE IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for sites of paleontological, historic, or archaeological importance in the Impact Area that includes:

A. **Baseline.** A map and description of all areas of historical, paleontological, or archeological significance in the Impact Area, sufficient to establish a baseline against which to evaluate the Project impacts and ensure the adequacy of proposed mitigation.

B. **Impacts.** Assessment of the adverse impacts of the Project on areas of historical, paleontological, or archeological significance in the Impact Area.

C. **Mitigation Plan.** A plan for mitigating adverse impacts to sites of paleontological, historic, or archaeological significance in the Impact Area.

SEC. 323 TRAFFIC IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for traffic impacts that includes:

A. **Baseline.** Description of the existing traffic conditions of all road segments in the Impact Area that the Applicant has identified as construction routes or permanent access routes for the Project, sufficient to form a baseline against which to evaluate Project impacts and ensure the adequacy of proposed mitigation, including trips generated by vehicle type on average and at peak times and the existing level of service for those road segments.

B. **Impacts.** Assessment of the adverse impacts of the Project on existing traffic conditions of all road segments in the Impact Area that the Applicant has identified as construction routes or permanent access routes for the Project.

C. **Traffic Impact Mitigation Plan.** A plan for mitigating adverse impacts associated with traffic conditions of all road segments in the Impact Area that the Applicant has identified as construction routes or permanent access routes for the Project.

SEC. 324 ROAD AND RIGHTS-OF-WAY IMPROVEMENTS AND MAINTENANCE PLAN

In addition to access or road use permits that may be required from the County, a plan for road improvements and maintenance that includes:

A. Description of necessary upgrades and ongoing maintenance practices on the proposed construction routes, including whether the Applicant or the County will conduct such upgrades and maintenance. Maintenance practices may include dust suppression, snow and ice management, shoulder maintenance including mowing and noxious weed management, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface.

B. Description of necessary upgrades or ongoing maintenance for any County rights-of-way,

drainage structures, stormwater infrastructure, or other County infrastructure or facilities impacted by the Project, including whether the applicant or the County will conduct such upgrades and maintenance.

C. Estimated costs of ongoing maintenance and repair, and of any necessary improvements required in order for the Project to proceed.

SEC. 325 AGRICULTURAL RESOURCES IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for agricultural resources in the Impact Area that includes:

A. **Agricultural Resources Baseline**. A description of agricultural lands, operations, and grazing on public and private lands.

B. **Impacts.** Adverse impacts of the Project on agricultural resources and the economic benefits derived from such resources.

C. **Agricultural Resources Mitigation Plan.** A plan for mitigating adverse impacts to agriculture in the Impact Area.

SEC. 326 LAND USE IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for land uses in the Impact Area that includes:

A. **Existing Land Uses.** Description of land uses and a description of applicable provisions from Eagle County's Comprehensive Plan, other applicable land use plans including any municipal land use plans for projects with three miles of municipalities, and the NWCCOG Regional Water Quality Management (208) Plan, and an assessment of whether the Project will comply with those provisions.

B. **Impacts.** Adverse impacts of the Project on land use patterns. The impact assessment shall include:

1. Compliance or consistency with Eagle County Master Plan and other applicable land use plans and policies.

2. Potential for the Project to cause or contribute to urban sprawl or "leapfrog" development.

3. Changes in the amount of impervious surfaces.

4. Contiguity of development associated with the Project to existing growth centers.

5. Changes in the amount and character of open space.

6. Changes in traffic patterns, road capacity, and congestion.

7. Changes in County-owned open spaces or conservation easements.

C. Land Use Impacts Mitigation Plan. A plan for mitigating adverse impacts on County land use patterns, including the imposition of setbacks from properties or sensitive land use features in the Impact Area.

SEC. 327 NUISANCE ASSESSMENT AND MITIGATION

A nuisance impact assessment and mitigation plan that includes:

A. Nuisance Assessment. An assessment of nuisance impacts including noise, glare, light, fumes, vibration, and odor caused by construction or operation of the Project.

B. Nuisance Mitigation and Monitoring Plan. A plan for mitigating any identified nuisances caused by construction or operation of the Project and a Monitoring Plan that addresses each nuisance.

SEC. 328 DUST SUPPRESSION PLAN

A Dust Suppression Plan that addresses how the applicant will avoid, minimize, or mitigate dust impacts identified within the Impact Area that complies with Permit Approval Standard in Sec. 430 and, if applicable, is consistent with Colorado Air Quality Control Commission Regulation No. 1.

SEC. 329 VISUAL QUALITY IMPACT ASSESSMENT AND MITIGATION

An impact assessment and mitigation plan for visual quality in the Impact Area that includes:

A. Baseline. A map and description of key scenic resources, including scenic vistas and viewsheds, designated scenic byways, public areas, and recreational facilities and trails.

B. Impact Assessment. Assessment of adverse impacts of the Project to the visual quality of key scenic resources.

C. Mitigation Plan. A plan for mitigating adverse impacts to visual quality of key scenic resources.

SEC. 330 REVEGETATION AND WEED MANAGEMENT PLAN

A plan for revegetation and weed management that describes how the Applicant will revegetate exposed disturbed areas and implement practices to minimize the intrusion of noxious weeds and other nonnative species. The Plan should include:

A. **Baseline.** Map(s) and description of existing plant life in the Impact Area. The Applicant may refer to the baseline assessment for the Plant Life Impact Assessment.

B. **Impact Assessment**. An assessment of Project-related surface disturbances and operations that may impact vegetation and weed propagation.

C. **Mitigation Plan**. A plan for mitigating adverse impacts to vegetation through revegetation and noxious weed management strategies, and a Monitoring Plan. The Mitigation Plan should include best practices that include:

1. Removal of existing vegetation no more than 30 days prior to commencement of initial site grading.

2. Revegetation of areas that have been filled, covered, or graded as soon as practicable.

3. Use of site-specific native seed mix and mulching to support vegetation growth.

4. Topsoil from disturbed areas stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

SEC. 331 ADDITIONAL APPLICATION MATERIALS FOR DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MUNICIPAL AND INDUSTRIAL WATER PROJECTS.

In addition to the application materials in Sections 301-330 of these Regulations, an applicant for the site selection, construction, or extension of a domestic water or sewage treatment system or a municipal or industrial water project shall provide the following materials.

A. **Information Describing the Project.**

1. The narrative description of the Project shall include description of the service area; estimated population to be served over what period of time; types of uses to be served, e.g., residential, commercial, agricultural, and industrial.

2. Maps, plans, and specifications of the Project shall include all collection, treatment, storage, or distribution systems and any of its components, in sufficient detail to evaluate the Application against the Permit Approval Standards in Article 4 of these Regulations.

3. Description of all conservation techniques to be used in the construction and operation of the Project.

B. **Community Development and Population Demands**. An assessment of whether the Project is necessary to meet projected community development and population demands in the area to be served by the Project, including a description of the demands the Project expects to meet and the basis for projections of that demand.

C. **Existing Water and/or Sewage Treatment Systems and Municipal and Industrial Water Projects in the County**. For Projects that will serve the County, an assessment of whether the Project will result in the proper utilization of existing and proposed facilities and systems, including those that perform the same or related function as the Project, including:

1. Map and description of existing facilities or systems in the vicinity of the Project that perform the same function as the Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure, service plan boundaries, and reasons for and against hooking on to those facilities. The assessment shall analyze peak seasonal population surges, including during winter and summer tourism seasons, as well as average annual daily demand.

2. If the Project is a replacement or expansion of an existing system, an explanation of the necessity of replacement or expansion.

3. Map and description of other water and/or wastewater management agencies in the Project area and reasons for and against consolidation with those agencies.

4. Description of how the Project will affect urban development, urban densities, and site layout and design of stormwater and sanitation systems.

5. An assessment of the area's existing financial and environmental capability to sustain growth and development from the Project.

D. **Proper Utilization of FOG/Septage Treatment in Wastewater Systems.** For new wastewater systems or major extensions of wastewater systems that will serve the County, an assessment of current permitted capacity within the County to receive high-strength organic wastes such as fats, oils, grease ("FOG") and Septage and an assessment of how the anticipated growth from the new or extended facility will increase commercial and residential growth in a manner that requires additional capacity to treat high-strength organic wastes, including:

1. **Baseline**. A description of the current permitted capacity within the County to receive high-strength organic wastes such as fats, oils, grease ("FOG") and Septage, including high-strength waste receiving, pre-treatment, co-digestion, or alternative reuse, and including anticipated waste sources, volumes, and characteristics.

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2. Impact Assessment. An assessment of how the anticipated growth from the new or extended facility will increase commercial and residential growth in a manner that requires additional capacity to treat high-strength organic wastes.

3. Treatment Facilities and Capabilities: A description of the treatment facilities and capabilities of the new or extended wastewater treatment facility that will provide for the adequate acceptance and treatment of of high-strength organic wastes, such as grease-receiving or co-digestion stations, including:

a. A description of the high-strength waste receiving, pre-treatment, co-digestion, or alternative reuse, and including anticipated waste sources, volumes, and characteristics. The description shall include numeric high-strength waste acceptance criteria (including maximum BOD_5, COD, TSS, oil and grease, pH range, and temperature).

b. A site plan showing the location of the receiving station, pre-treatment units, co-digestion infrastructure, containment areas, truck access and queuing, and buffer distances to property lines, water bodies, and occupied structures.

c. Engineered plans for proposed facilities such as pre-treatment, co-digestion, or alternative reuse facilities.

d. An engineering analysis, sealed by a Colorado-licensed Professional Engineer, demonstrating that acceptance of high-strength waste at the proposed facility will not cause a process upset or result in a violation of the facility's CDPHE discharge permit.

e. Evidence of coordination with the CDPHE Water Quality Control Division regarding the facility's existing or anticipated discharge permit, including permit number(s) where applicable.

4. **Monitoring Plan:** A Monitoring Plan that includes reporting to the County of any process upset, permit exceedance, or rejected load event attributable to high-strength organic waste acceptance.

E. **Water Conservation and Efficiency.** A description of water conservation and efficiency techniques that the Project will utilize, including the water use, recycling, and reuse technology that will be deployed including to those measures recommended in NWCCOG's *Water Savings Guidance and Model Standards for the Colorado Headwaters* or Western Resource Advocates' *Integrating Water Efficiency into Land Use Planning in the Interior West: A Guidebook for Local Planners*.

SEC. 332 ADDITIONAL APPLICATION MATERIALS FOR COMMERCIAL GEOTHERMAL RESOURCES

In addition to the application materials in Sections 301-330 of these Regulations, an applicant for Commercial Geothermal Resources shall provide the following materials.

A. Additional Information Describing the Project. In addition to the materials required in Section 303 of these Regulations, provide the following.

1. The narrative description of the Project shall include the location of all structures, flowlines, transmission lines, gathering systems, tanks, wells, pits, and any other facilities or equipment associated with the Project, whether offsite or onsite.

2. Plan of Operation. Describe the method and schedule for initiating, constructing, operating, maintaining, and reclaiming/abandoning the Project if applicable.

3. Proposed and existing roads to be used as haul route(s) and access route(s) to the Oil and Gas Operation including adequate emergency access. Include all roads on site and from boundaries of the site to any state highway.

4. Proposed setbacks consistent with the Permit Approval Standard in Section 436(A) of these Regulations.

B. Additional Information for Property Rights, Permits, and Approvals. In addition to the materials required in Section 305 of these Regulations, provide the following.

1. Copies of the application to the Colorado Energy and Carbon Management Commission (ECMC) and ECMC approvals and conditions of approval.

2. Evidence of Surface Use Agreements that have been or will be executed between the Operator and the Surface Owner(s) of the property where the Project will be located. In the case where no SUA or other agreement is necessary, the applicant shall provide a statement of explanation and attach supporting documentation.

C. Additional Information for Air Quality Impact Assessment and Mitigation. In addition to the materials required in Section 309 of these Regulations, provide the following.

1. An assessment of the adverse impacts of the Project to air quality from potential offgassing and/or fugitive emissions.

2. A Monitoring Plan for offgassing and fugitive emissions.

D. Waste Management Plan. A plan detailing how an Operator will treat, characterize, manage, store, dispose, and transport all types of waste generation by the Project including Exploration and Production (E&P) Waste. The analysis of the transportation of waste shall include use of truck or pipeline transport with details of anticipated truck trips (routes, number and timing of trips). The Plan shall identify whether waste materials will

be stored on site and, if so, how such storage will avoid, minimize, and mitigate adverse impacts to the Impact Area and to the public health, safety, welfare, environment, and wildlife of the County. The Plan shall specify whether the applicant plans for the on-site storage of drilling mud and, if so, how the application will control odors.

E. Vibration Impact Assessment and Mitigation.

1. Description of the direct, indirect, and cumulative impacts of vibrations in the Impact Area, including to wildlife that are sensitive to vibrations such as Greater Sage Grouse.

2. Description of the proposed techniques that will be used to mitigate impacts of vibration in the Impact Area and a Monitoring Plan.

3. Vibration Monitoring and Control Plan that includes name of the firm providing vibration monitoring services; specifications of the monitoring equipment to be used; specifications of the energy source to be utilized for the monitoring points; measurement locations and field procedures for setting up vibration monitors; procedures for data collection and analysis; process for reporting results to the County and for addressing complaints and claims of damage.

F. Lighting Plan. A plan for installation of down-cast shielded lighting or some other form of lighting that mitigates light pollution and spill-over onto adjacent properties and a description of how that lighting complies with the standards in Article 4.1, Dark Skies, of the Eagle County Land Use Regulations and as amended. The plan shall provide for the use of lighting necessary for public and occupational safety.

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ARTICLE 4 PERMIT APPROVAL STANDARDS

SEC. 401 GENERAL CONSIDERATIONS

The burden of proof is on the Applicant to demonstrate that the Project complies with these standards. In making its determination as to whether the Applicant has demonstrated that the Project complies with these standards, the Board shall consider all evidence on the Hearing Record, including the application materials, which include proposed mitigation and monitoring.

SEC. 402 APPLICANT EXPERTISE

The Applicant has the necessary expertise to develop and operate the Project consistent with all requirements and conditions.

SEC. 403 TECHNICAL AND FINANCIAL FEASIBILITY

The Project is technically and financially feasible. The following criteria shall be applied to determine whether this standard is satisfied:

A. Amount of debt associated with the Project.

B. Debt retirement schedule and sources of funding to retire the debt.

C. Estimated construction costs and construction schedule.

D. Estimated annual operation, maintenance, mitigation, and monitoring costs.

SEC. 404 NECESSARY PROPERTY RIGHTS, PERMITS, AND APPROVALS

The Applicant will obtain all necessary property rights, permits, and approvals for the Project prior to any site disturbance. The Board may, at its discretion, defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

SEC. 405 IMPAIRMENT OF PROPERTY RIGHTS

The Project will not have a significant adverse impact on private property rights in the County.

SEC. 406 WATERSHED HEALTH

A. The Project will comply with all of the plans in Section 307 of these Regulations.

B. The Applicant shall provide documentation of consultation with CPW.

C. The Project will not significantly degrade the health of the watershed(s) affected by the Project. The following criteria shall be applied to determine whether this standard is

satisfied:

1. **Flows, Hydrology, and Surface Water Quality.** The Project shall not significantly degrade flows, hydrology, and surface water quality, including by ensuring that:

    a. Affected streams will maintain stream flows and water quality necessary to support current agricultural, ecological, municipal, domestic, industrial, and recreational uses at satisfactory levels, including those levels identified in watershed and stream management plans.

    b. Concentrations of pollutants will not increase over baseline conditions.

    c. Changes in total suspended solid concentrations will not cause adverse impacts to aquatic life or water clarity.

    d. Banks will not be eroded from changes in flows.

    e. Changes to channelization will be minimized, unless implemented to improve aquatic habitat and water quality conditions.

    f. Flows in affected streams will mimic the natural hydrograph to the extent possible in average, dry, and wet years.

2. **Groundwater Quality.** The Project shall not significantly degrade groundwater quality within the Impact Area, including aquifer recharge rates, groundwater levels, and aquifer capacity, and the Project will not reduce the capacity, function, and quality of wells within the Impact Area.

3. **Floodplains, Wetlands, and Riparian Areas.** The Project will not significantly deteriorate floodplains, wetlands, or riparian areas in the Impact Area, including:

    a. Structure and function of wetlands and unique, rare, delicate, or irreplaceable riparian areas, vegetation, forests, or woodlands.

    b. Filtering and nutrient uptake capacities of wetlands and riparian areas.

    c. Aerial extent of wetlands and evolution of wetland species to upland species.

4. **Aquatic Life and Aquatic Habitat.** The Project shall not significantly deteriorate aquatic life and aquatic habitat, including by:

    a. Preventing loss or isolation of off-channel habitat.

b. Preventing reductions in dissolved oxygen levels and flushing flows.

c. Preventing impairment of spawning and egg-to-fry survival due to changes in water temperature, water levels, velocity, or associated effects (e.g. sedimentation).

SEC. 407 POLLUTION OF AQUIFER RECHARGE AREAS

Urban development and increases in population densities associated with the Project will not contribute to pollution of the aquifer recharge areas.

SEC. 408 CONSISTENCY WITH WATER QUALITY PLANS AND POLICIES

The Project will be consistent with stream management and water quality plans and policies, including any watershed management plans adopted by the Board and the NWCCOG Regional Water Quality Plan (208 Plan).

SEC. 409 ADEQUATE WATER SUPPLIES

Water supplies are adequate for the current and future operational needs of the Project in terms of quantity, quality, and dependability.

SEC. 410 AIR QUALITY

The Project will not significantly degrade air quality in the Impact Area including along haul routes.

SEC. 411 WILDLIFE AND WILDLIFE HABITAT

A. The Project will not significantly deteriorate wildlife or wildlife habitat in the Impact Area.

B. The Applicant shall provide documentation of consultation with CPW.

SEC. 412 PLANT LIFE (TERRESTRIAL)

The Project will not significantly deteriorate terrestrial plant communities in the Impact Area.

SEC. 413 SOIL AND GEOLOGIC CONDITIONS

The Project will not significantly degrade soil and geologic conditions within the Impact Area, including significant deterioration to natural drainages, soil morphology and productivity, potential for soil erosion, stream sedimentation, lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

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SEC. 414 RISK FROM NATURAL HAZARDS

A. The Project is not subject to significant risk from natural hazards such as earthquakes, floods, wildfires, subsidence, expansive soils, avalanches, landslides, and other natural hazards.

B. The Project will not exacerbate risks of natural hazard occurrences.

SEC. 415 GRADING, EROSION, AND SEDIMENT CONTROL

Erosion and sedimentation control measures will be implemented in conformance with the *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized within the Impact Area.

SEC. 416 STORMWATER MANAGEMENT

Run-off shall be managed in accordance with the *Stormwater Management Plan* in order to minimize adverse impacts to water quality in the Impact Area. If applicable, the Applicant shall obtain a Stormwater Discharge Permit from the Colorado Department of Public Health and Environment, Water Quality Control Division.

SEC. 417 RELEASE OF HAZARDOUS MATERIALS

A. Hazardous materials will be managed in accordance with the *Hazardous Materials Management Plan* so that the Project will not result in an unreasonable risk of releases of hazardous materials.

B. The above-ground or underground storage of hazardous materials is prohibited within any County-designated Fluvial Hazard Zone, active stream corridor, or 100-year floodplain.

C. Impacts resulting from spills and releases shall be investigated and cleaned up as soon as practicable.

1. Board, or its designee, may undertake prevention, control, countermeasure, containment, and clean-up measures if the Applicant fails to comply with its obligations under the *Hazardous Materials Management Plan*.

2. Applicant shall pay all costs incurred by the Eagle County Government for any such measures.

SEC. 418 EMERGENCY PREPAREDNESS AND RESPONSE

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The Project shall be constructed and operated in conformance with *the Emergency Preparedness and Response Plan* to ensure that, in the event of an emergency, adequate practices, procedures, and infrastructure are in place to protect public health and safety and repair damage caused by emergencies.

SEC. 419 EFFECT ON LOCAL GOVERNMENT SERVICES

The Project will not have a significant adverse impact on the current or future capability of local government(s) to provide services or on the capacity of service delivery systems.

SEC. 420 TAX BURDEN

The Project will not create an undue tax burden on existing or future Eagle County residents.

SEC. 421 HOUSING

The Project will not significantly deteriorate housing availability, location, condition, or cost in the Impact Area.

SEC. 422 LOCAL ECONOMY

The Project will not significantly degrade any segment of the County economy.

SEC. 423 RECREATIONAL OPPORTUNITIES AND EXPERIENCE

The Project will not significantly degrade the quality or quantity of recreational opportunities and experience in the Impact Area.

SEC. 424 AREAS OF PALEONTOLOGICAL, HISTORIC, OR ARCHAEOLOGICAL IMPORTANCE

The Project will not significantly deteriorate areas of paleontological, historic, or archaeological importance in the Impact Area.

SEC. 425 TRAFFIC

A. Construction traffic within the Impact Area will not significantly degrade local traffic conditions.

B. All construction routes and permanent access routes within the Impact Area are designed to:

1. Minimize impacts to the public and ensure the safety and quality of life of other users of the County transportation system and affected adjacent residents.

2. Avoid, to the degree practicable, or minimize and mitigate impacts to residential

areas, commercial areas, environmentally- and visually- sensitive areas, critical wildlife habitat, schools and other civic buildings, and already-congested locations.

3. Accommodate truck and heavy equipment traffic, as applicable, and emergency and fire response.

SEC. 426 ROAD IMPROVEMENTS AND MAINTENANCE

The owner will bear the cost of all road upgrades, repairs, and maintenance necessitated by Project construction.

A. If the projected use of public roads by construction traffic will result in a need for increased roadway maintenance, the owner will enter into an agreement with the Board whereby the owner assumes responsibility for the repairs and additional road and bridge maintenance or reimburses the County for repairs and maintenance.

B. The owner will maintain financial assurance to secure the maintenance and repair obligations. The amount of such financial assurance will be determined by the Board in a form approved by the County Attorney.

SEC. 427 AGRICULTURAL RESOURCES

The Project will not significantly degrade the quality or value of agricultural lands or operations in the Impact Area.

SEC. 428 LAND USE PATTERNS

A. The Project will not have a significant adverse effect on land use patterns in the Impact Area.

B. The Project institutes appropriate setbacks to preserve land use patterns, avoid causing nuisances to existing property owners in the Impact Area, and to protect County public health, safety, welfare, and the environment.

SEC. 429 NUISANCE

The Project will not interfere with the use and enjoyment of property in the Impact Area nor cause a nuisance to existing property owners in the Impact Area.

SEC. 430 DUST SUPPRESSION

A. The *Dust Suppression Plan* and, if applicable, a permit from the Colorado Air Quality Control Division, will be implemented in a manner that protects public health, safety, welfare, and the environment.

B. The *Dust Suppression Plan* includes best practices for suppressing dust that include at minimum the following or alternative practices that achieve the same or greater protections:

1. Minimize surface disturbance to the extent practicable and promptly revegetate disturbed areas consistent with the *Revegetation and Weed Management Plan*.

2. Water or treat unpaved roads with chemical stabilizers to maintain a dust opacity of less than 20%, and monitor to ensure opacity is achieved.

3. Utilize watering or chemical stabilization of unpaved roads as often as necessary to minimize re-entrainment of particulate matter from the road surface or paving of roads.

4. Haul vehicles shall maintain a minimum of three inches of freeboard or be fully covered before entering public rights-of-way.

5. Suspend active earthmoving or bulk material transfer during high wind events exceeding 30 miles per hour.

6. Restrict the speeds of all vehicles associated with the Project.

SEC. 431 VISUAL QUALITY

The Project will not significantly deteriorate visual quality in the Impact Area.

SEC. 432 REVEGETATION AND WEED MANAGEMENT

Areas disturbed by Project construction activities will be revegetated and maintained in conformance with the approved *Revegetation and Weed Management Plan* and will not result in intrusion of noxious weeds or other invasive species.

SEC. 433 COMPLIANCE WITH REQUIRED PLANS/STUDIES/REPORTS

The Project will comply with all plans and reports required under Article 3 of these Regulations.

SEC. 434 ADDITIONAL STANDARDS FOR DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MUNICIPAL AND INDUSTRIAL WATER PROJECTS.

In addition to the standards in Sections 401-433 of these Regulations, an applicant for domestic water and sewage treatment systems and municipal and industrial water projects shall demonstrate that the Project complies with the following standards.

A. Capacity of the Area to Sustain Development Associated with the Project. For Projects that will serve the County, the growth and development anticipated as a result of

the Project can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

B. **Proper Utilization of Facilities and Orderly Development in the County**. For Projects that will serve the County, the Project will be constructed in areas which will result in the proper utilization of existing treatment facilities and the orderly development of domestic water and sewage treatment systems of adjacent communities.

C. **Duplicate Services or Facilities**. Where the Project is a wholly new service or facility in the County, the Project will not duplicate existing services and facilities if such existing facilities or services have the legal and physical capacity or can be expanded or consolidated to provide additional services or facilities. The following criteria shall be applied to determine whether this standard is satisfied:

1. No existing water or sewage treatment system has the legal ability and capacity to serve the area to be served by the Project.

2. Age of existing water systems, operational efficiency, state of repair, or level of treatment is such that replacement is warranted.

3. Existing facilities cannot be upgraded or expanded to meet the requirements of the Colorado Department of Public Health and the Environment.

D. **Efficient Use of Water**. The Project will be planned, designed, and operated in a manner that emphasizes the most efficient use of water, including recycling and reuse.

E. **Ability to Accept FOGS and Septage**. For new wastewater systems or major extensions of wastewater systems that will serve the County, the Project shall include facilities equipped to accept, neutralize, and process high-strength organic wastes such as FOGS and septage unless the Applicant demonstrates that County facilities have adequate permitted capacity to receive high-strength organic wastes attributable to growth generated by the Project.

SEC. 435 ADDITIONAL STANDARDS FOR COMMERCIAL GEOTHERMAL RESOURCES

In addition to the standards in Sections 401-433 of these Regulations, an applicant to develop Commercial Geothermal Resources shall demonstrate that the Project complies with the following standards.

A. **Setbacks**.

1. All flowlines and fresh, produced, or wastewater pipelines will be routed and constructed in a manner that minimizes impacts to infrastructure and natural resources and to public health, safety, welfare, environment, and wildlife without compromising pipeline integrity and safety.

2. All surface disturbances and activities associated with the Project shall be set back a minimum of:

a. 500 feet from a surface water resource; public water well; schools; place of assembly; active park; day care facility; or residential structures not owned, leased, or otherwise controlled by the applicant unless the applicant obtains written agreement from the owner(s) of such structures.

b. 200 feet from any public roads and above-ground utilities lines.

c. One quarter mile from a Colorado designated Scenic Byway, and

d. 50 feet from any road right-of-way or property line of any property not owned, leased, or otherwise controlled by the applicant unless the applicant obtains written agreement.

e. Setbacks shall not include gas gathering lines, flowlines and water collection, including trunk and lateral lines; transmission lines; roads; and visual buffering or screening.

f. Larger setbacks may be necessary to mitigate impacts of the Project.

3. Where ECMC results in more stringent setbacks, the more stringent setback shall apply.

B. **ECMC Compliance**. The applicant shall comply with all ECMC regulations and conditions of the Permit.

C. **Waste Management**. The Project will not significantly adversely impact public health, safety, welfare, environment, and wildlife from waste materials. All waste generated by the Project will be stored, transported, and disposed of safely.

D. **Vibration**. The Project will not have a significant adverse impact on public health, safety, welfare, environment, and wildlife from vibrations. The Project must not create vibrations significant enough or long enough in duration to cause adverse impacts to the health, safety, welfare, environment, and wildlife, or quality of life of surrounding residents and occupants or damage to existing structures.

E. **Lighting.** The Project will not cause light trespass nor light pollution in the Impact Area and will comply with the Dark Sky requirements in Article 4.1 of the ECLUR or as may be amended.

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ARTICLE 5 PERMIT ISSUANCE, EXTENSION, AND TRANSFER

SEC. 501 PERMIT ISSUANCE

A. **Permit as Resolution.** The Permit shall be issued by the Board in writing in the form of a Resolution.

B. **Not a Site -Specific Development Plan.** The Permit shall not be deemed a site-specific development plan subject to the vesting and notice requirements of C.R.S. § 24-68-103.

C. **Recording.** A copy of the Permit shall be recorded with the County Clerk and Recorder.

D. **Validity of Permit.** The Permit is valid only for the construction and operation of the Project described in the Application package, together with the conditions of approval, if any, imposed by the Board.

E. **Term of Permit.** If construction of a permitted Project has not been initiated within three years of Permit issuance, or if construction of a permitted Project is delayed for more than three years from the schedule approved in the Permit, the Permit shall be void and of no force and effect unless the Board specifies in its resolution granting the Permit a different time period in which building permits or construction must be obtained or activities must commence. Permitted time frames do not change with successive owners.

SEC. 502 TECHNICAL REVISIONS AND PERMIT AMENDMENTS

Any proposed change in the approved construction or operation of the Project will require either a Technical Revision or a Permit Amendment.

A. **Submittals.** To request a Technical Revision, the Applicant shall submit the following information and materials to the Director:

1. A copy of the current Permit.

2. As-built drawings of the Project.

3. A written description of the proposed changes to the Project, together with construction drawings and plans where construction is contemplated.

4. Proposed mitigation and best management practices.

B. **Determination of Whether Change Is a Technical Revision or Permit Amendment.** The Director shall make the determination whether a change is a Technical Revision or a Permit Amendment following receipt of the request and required submittals. Within seven working days of the Director's determination, the Director shall notify the Applicant and the Board, in writing, of the determination.

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1. **Technical Revisions.** A proposed change to a Project will be considered a Technical Revision if the Director determines that there will be no increase in the size of the impact area or the intensity of impacts of the Project. The Director may determine that even though the proposed changes will increase the size of the impact area or the intensity of the impacts, the impact is insignificant so as to warrant a Technical Revision. A change to a condition of approval will not be treated as a Technical Revision. If the Director finds that a proposed change is a Technical Revision, then the Applicant shall follow the process for an Activity Notice in Section 602 of these Regulations.

2. **Permit Amendments.** Changes other than Technical Revisions require a Permit Amendment, which is processed like an Application for a Permit under these Regulations, except that only those Application submittal requirements and criteria that are relevant to the amendment will be applied.

SEC. 503 TRANSFER OF PERMIT

A Permit may be transferred only with the written consent of the Board. The Board will approve the transfer if the proposed transferee can ensure to the Board's satisfaction that it can and will comply with all the requirements, terms, and conditions contained in the Permit and these Regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

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ARTICLE 6 ACTIVITY NOTICE

SEC. 601 ACTIVITY NOTICE FOR FONSI

A. Submittal of Activity Notice to Director. If the Director or Board has issued a FONSI under Section 204 of these Regulations, the Applicant shall file an Activity Notice for the Project with the Director before commencing any work on the Project. The submittal materials shall consist of:

1. All materials submitted for the pre-application meeting in Section 203 of these Regulations.

2. Schedule for construction of all features associated with the Project.

3. Construction drawings and site plan.

4. Revegetation plan for disturbed areas.

5. Access routes during and after construction.

6. A description of any roadway improvements necessitated by the Project.

7. Copies of all permits and approvals issued by other state or federal agencies.

8. Other materials deemed necessary by the Director to provide adequate notice to the County of the Project.

B. Activity Notice Review and Order by Director.

1. The Director shall review the Activity Notice and determine whether additional information is required.

2. The Director shall issue a written Order approving the Project. The Director may impose conditions deemed necessary to protect public health, safety, welfare, and the environment.

C. Public Notice.

1. Publication. Not less than 21 days before commencement of construction of the Project, the Director shall publish a copy of the Order approving the Project and notice where additional information may be obtained.

2. Posting. Not less than 21 days before commencement of construction of the Project, the Applicant will post a sign on the property where the Project will be located, giving notice to the general public of the Project and where additional

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information may be obtained.

SEC. 602 ACTIVITY NOTICE FOR TECHNICAL REVISIONS

A. Submittal of Activity Notice to Director. If the Director finds that a proposed change to the construction or operation of a Project is a Technical Revision under Section 502 of these Regulations, the Applicant shall file an Activity Notice with the Director before proceeding with the proposed change. The submittal materials shall consist of:

1. All information and materials required in Section 502.A of these Regulations regarding the request for a Technical Revision.

2. Schedule for commencement of the construction or operational change.

3. Other materials deemed necessary by the Director to provide adequate information about the Project.

B. Activity Notice Review and Order by Director.

1. The Director shall review the Activity Notice and determine whether additional information is required.

2. The Director shall issue a written Order approving a proposed change to construction or operation as a Technical Revision to the Project. The Director may impose conditions deemed necessary to protect public health, safety, welfare, and the environment.

C. Public Notice.

1. Publication. Not less than 21 days before commencement of construction or a change in operation of the Project, the Director shall publish a copy of the Order approving the change to construction or operation of the Project and notice to the general public where additional information may be obtained.

2. Posting. Not less than 21 days before commencement of construction or a change in operation of the Project, the Applicant will post a sign on the site of the Project giving notice to the general public of the change to construction or operation of the Project and where additional information may be obtained.

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ARTICLE 7 FINANCIAL GUARANTEE

SEC. 701 GUARANTEE OF FINANCIAL SECURITY REQUIRED

Before any Permit is issued, the Board shall require the Applicant to file a guarantee of financial security ("financial guarantee"), in a form payable to the County of Eagle, Colorado, in an amount determined by the Board to be adequate. The purpose of the financial guarantee is to assure the following:

A. That the Project is completed and the Impact Area is properly reclaimed.

B. That the permittee performs all mitigation and Permit conditions in connection with the construction, operation, and termination of the Project, including increases in public facilities and services necessitated by the Project.

C. That the County can recover from the Permittee any additional expenses incurred by the County if the Project has been suspended or abandoned.

SEC. 702 AMOUNT OF GUARANTEE

A. In determining the amount of the financial guarantee, the Board shall consider:

1. Estimated cost of completing the Project and, if applicable, of returning the Impact Area to its original condition or to a condition acceptable to the Board.

2. Estimated cost of performing all mitigation requirements and Permit conditions. The Permit shall include the following conditions:

a. The financial security shall be adjusted upon receipt of bids to perform the requirements of the Permit and these Regulations.

b. The financial security shall be increased as the Board determines necessary to cover the purposes of the guarantee.

B. The Board may review the financial guarantee for adequacy at any time. If the Board determines that the financial guarantee is insufficient to perform the purpose of the guarantee, the Board shall provide the permittee with written notice to increase the financial guarantee:

1. The permittee shall post the additional guarantee within 60 days from the date of the written notice. If the amount of increased financial guarantee has not been provided within 60 days from the date of the written notice, the Board may schedule a hearing for possible revocation of the Permit pursuant to Division 2-5 of these Regulations.

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2. If the permittee disagrees with the notice to increase the financial guarantee, the Board shall schedule a hearing on the matter pursuant to Division 2-5 of these Regulations.

SEC. 703 FORM OF GUARANTEE

The guarantee shall be in a form or combination of forms acceptable to the County Attorney.

SEC. 704 RELEASE OF GUARANTEE

The financial guarantee shall be released after a request from the permittee is received, based on one of the following conditions:

A. The Permit has been surrendered to the Board before commencement of any physical activity on the site of the Project.

B. The Project has been abandoned and the Impact Area has been returned to its original condition or to a condition acceptable to the Board.

C. The Project has been satisfactorily completed as required by the Permit.

D. A phase or phases of the Project, as defined in the Permit, have been satisfactorily completed, allowing for partial release of the financial guarantee consistent with Project phasing and as determined appropriate by the Board.

E. The applicable guaranteed conditions have been satisfied.

SEC. 705 FORFEITURE OF GUARANTEE

A. If the Board determines that a financial guarantee should be forfeited because of any violation of the Permit or these Regulations, the Board shall provide written notice to the surety and the permittee that the financial guarantee will be forfeited unless the permittee requests a hearing by the Board within 30 days after permittee's receipt of notice. If a request for hearing is not made by the permittee, the Board shall order the financial guarantee forfeited.

B. The Board shall hold a hearing after the receipt of the request for hearing by the permittee. At the hearing, the permittee may present statements, documents, and other information for the Board's consideration with respect to the alleged violation. At the conclusion of the hearing the Board shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

C. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County Attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible, including costs and

attorney fees.

SEC. 706 SUBSTITUTE GUARANTEE

If the business license of the surety upon a security filed pursuant to this Section is suspended or revoked, within 60 days after receiving notice thereof the Permittee shall substitute a good and sufficient surety licensed to do business in Colorado. If the permittee fails to make substitution in accordance with this Section, the Board shall suspend the Permit until proper substitution has been made.

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ARTICLE 8 ENFORCEMENT

SEC. 801 UNLAWFUL TO VIOLATE THESE REGULATIONS

Any person who violates these Regulations is subject to criminal or civil liability as may be prescribed by law. Each day during which such violation continues shall be deemed a separate offense.

SEC. 802 ALL LEGAL REMEDIES AUTHORIZED

The County may enforce violations of these Regulations by any legal or equitable means recognized by the Colorado Revised Statutes and Colorado Court Rules.
In addition to any other lawful remedies, the County may use any of the following methods of enforcement either individually or in combination. The County's enforcement authority and remedies set forth in these Regulations are cumulative and in addition to any other remedy provided by law.

A. Inspect and order the removal or abatement of violations.

B. Issue a cease and desist or stop work order mandating temporary suspension of any activity or development within or associated with the violation or the Project.

C. Withhold construction or building permit(s) or certificates of occupancy for the Project.

D. Revoke or suspend the Permit. If the Director determines that continued operation of the Project presents a significant imminent danger to the health or safety of the public, the Director has the authority to order the immediate suspension of all operations of the Project pending further avoidance of the danger.

E. Issue criminal or civil penalties as may be permitted by law.

1. Any Person violating these Regulations is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $100 or by imprisonment in the county jail for not more than ten days, or by both fine and imprisonment.

2. Any Person violating these Regulations may be found civilly liable for such violation and, upon such finding, shall be subject to the imposition, by order of the county court, of a civil penalty in an amount of not less than $500 nor more than $1,000.

3. The County shall deem each day of a violation of these Regulations a separate violation, subject to continuing penalties.

F. Assess the costs and expenses (including costs and expenses for administrative actions,

publications, attorney fees, and court costs) that the county incurs in the enforcement of these Regulations. The County may impose a lien for such costs and expenses against the Project as may be permitted by law.

G. Demand payment, receipt, and County use of any applicable financial security.

H. Enforce in a court of competent jurisdiction.

SEC. 803 ENFORCEMENT PROCEDURES

A. **Notice and Opportunity to Cure Required.** Prior to commencement of enforcement proceedings, the County shall first issue a written Notice of Violation and provide a reasonable amount of time, but in any event no less than 28 days from the date of the notice issuance, for the notice recipient to remedy the violation.

B. **Response to Notice.** Any person who receives a Notice of Violation shall, prior to or within the time period stated in the Notice:

1. Restore the property to compliance with these Regulations;

2. Request an extension of time in which to achieve compliance with these Regulations. If the Director does not respond to the timely request for extension, the lack of response shall constitute an extension for the requested time period or 28 days, whichever is shorter in duration; or

3. Deliver to the Director a written request for an appeal of the Notice of Violation.

C. **Appeal of Notice of Violation.** Upon the notice recipient's request for an appeal of a Notice of Violation, the Board shall schedule a public hearing at the next meeting of the Board for which it can accomplish proper notice to determine whether the recipient has violated these Regulations and the appropriate remedy.

D. **Abatement of Violation.** If the violation is not abated within the prescribed period, the County may cause the violation to be abated by its employees or by private contract, or by any other means provided by Colorado law. The costs of abating the violation shall be the responsibility of the violating party.

SEC. 804 INSPECTION

A. Any Permit issued under these Regulations includes a grant of the Permittee's consent of the Director's right to enter and inspect the project as may be necessary to determine compliance with the terms of the Permit, without prior notice to the Permittee.

B. A reasonable attempt will be made to provide notice to the Permittee before the Director enters and inspects, and in particular if the inspection involves high-hazard dams.

C. The Director will conduct inspections during County business hours unless the Director has reason to believe public health or safety is in imminent danger and could be jeopardized by any delay in obtaining permission to enter.

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ARTICLE 9 DESIGNATION OF MATTERS OF STATE INTEREST AND AMENDMENTS OF REGULATIONS

SEC. 901 APPLICABILITY

The designation procedure set forth in this Section shall apply to the designation of any matter of state interest after the effective date of these Regulations.

SEC. 902 DESIGNATION PROPOSALS AND MORATORIUM

A. Designation Proposals. Designations and amendments or revocations of designations of areas or activities of state interest may be initiated by the Board.

B. Combined Hearing for Designation, Adoption of Guidelines and Application for Permit. If a person proposes to engage in development in an area of state interest or to conduct an activity of state interest not previously designated and for which regulations have not yet been adopted, the Board may hold a combined hearing to determine the designation, adopt the guidelines and regulations and approve or deny the Permit.

C. Moratorium Until Final Determination. After a matter of state interest is designated, no person shall engage in development in such area and no such activity shall be conducted until the designation and the guidelines and regulations for such area or activity are finally determined as required by C.R.S. § 24-65.1-404(4).

SEC. 903 DESIGNATION PROCESS

A. Designation Proposals. Designations and amendments or revocations of designations of areas or activities of state interest may be initiated by the Board.

B. Moratorium until Final Determination. After an area or activity of state interest has been designated, no person shall engage in development in such area, and no activity shall be conducted until the designation and guidelines for such area or activity are finally determined pursuant to C.R.S. § 24-65.1-404(4).

C. Public Hearing to Consider Designation. The Board shall hold a public hearing before designating any matter of state interest or amending or repealing said designation.

1. Notice of Designation Hearing. Not less than 30 days nor more than 60 days prior to the hearing, the Director shall publish notice of the designation hearing. The notice shall include:

a. The time and place of the hearing.

b. The place at which materials relating to the matter to be designated and any guidelines and regulations for the administration thereof may be examined.

c. The telephone number or email address where inquiries may be answered.

d. A description of the matter of state interest to be designated in sufficient detail to provide reasonable notice as to the property to be included in the designation or the type of activity to be designated.

2. Considerations in the Determination of Matters of State Interest. At the designation hearing, considerations by the Board may include:

a. All testimony, evidence and documents taken and admitted at the public hearing.

b. The intensity of current and foreseeable development pressures in Eagle County.

c. The matters and considerations set forth in any applicable guidelines or model regulations issued by other state agencies.

d. The boundaries of the proposed area.

e. Reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.

3. Record of Designation Proceeding. Record of the designation hearing by the Board shall include the following. A copy of the hearing record may be acquired through the Planning Director upon reasonable notice and payment of a fee to cover the costs of duplication of the record.

a. Notice of the hearing.

b. Certificate of publication of the notice.

c. Names and addresses of persons who presented written or oral statements.

d. Written or taped record of oral proceedings and the minutes of the Clerk.

e. Exhibits and documents presented at the hearing.

f. Written findings concerning each proposed matter of state interest.

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SEC. 904 ADOPTION OF DESIGNATION

A. **Decision by Board.** The Board, by Resolution, may adopt, adopt with modification, or reject the proposed designation.

B. **Findings by Board.** Each designation adopted by the Board shall include the following findings:

1. The boundaries of the designated area of state interest.

2. Reasons why the particular area or activity is of state interest, dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and advantages of development of such area or conduct of such activity in a coordinated manner.

SEC. 905 RECORDING NOTICE OF DESIGNATION

A notice of the designation and map shall be certified by the Board to the County Clerk and Recorder for filing in the same manner as any document affecting real property.

SEC. 906 PROCESS TO AMEND THESE REGULATIONS

A. **Public Hearing by Board**. Any amendments to these Regulations regarding areas or activities of state interest shall be made pursuant to a public hearing.

B. **Notice of Public Hearing**. The Director shall publish a notice of the Public Hearing at least 30 days and not more than 60 days before the hearing, in a newspaper of general circulation in the County. The notice will include the time and place of the hearing, a general description of the regulations to be adopted or amended, and the place at which relevant materials may be examined.

C. **Decision to Amend Regulations**. After completion of the Public Hearing, the Board will adopt, adopt with modifications, or reject the proposed amendments.

D. **Record of Proceedings.** The record of decision will include the following materials:

1. Certificate of publication of the Public Hearing notice.

2. The minutes of the Public Hearing.

3. The adopted Regulations

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