

COLORADO'S OUTSTANDING WATERS DESIGNATIONS HELP SAFEGUARD WATER QUALITY

Outstanding Waters

Outstanding Waters (OW) is a designation awarded to reaches of streams, rivers or other bodies of water with high water quality and exceptional recreational or ecological significance that are deemed worthy of increased protections by the State of Colorado. The intent of the designation is to preserve the high quality of the designated reaches for future generations. For a stream or part of a stream to qualify, it must meet specific water-quality criteria gathered across a wide range of measures.

Protection of Colorado's highest quality streams is vital to our state and our way of life. Clean water is not only critical for drinking water for our communities, but also for habitat for fish and other wildlife, farming and ranching, recreation and the long-term economic development of Colorado's towns.

A river or water body that is designated as an OW receives special water quality protections within and upstream of the reach, protecting it from long-term degradation, that is, from deterioration of existing water quality conditions.

An OW designation is awarded through the Water Quality Control Commission (WQCC) of the Colorado Department of Public Health and Environment (CDPHE). Designation occurs through a three-year rulemaking hearing process that includes three public hearings.¹

[1] <https://cdphe.colorado.gov/wqcc-public-participation>



How are Outstanding Waters designated?

Any person may nominate any state water for designation as an OW.

OW nominations are evaluated by basin on a rotating triennial (every-three-years) review schedule by the CDPHE's WQCC. The process to propose an OW nomination takes multiple years and includes substantial water sampling across all seasons, rigorous data analysis and evaluation, extensive public outreach, and three public hearings where public comment is encouraged.

Pictured Right: Hermosa Creek – designated OW in 2009



What does an Outstanding Waters designation do?

An OW designation protects a defined reach of a stream, river or lake that has a very high level of existing water quality from future degradation of that water quality. Waters designated as OW have to be maintained and protected at their existing quality. Only short-term degradation of existing quality is allowed and only for activities that result in long-term ecological or water quality benefit or clear public interest.

Does Outstanding Waters Designation Affect Water Rights?

No. OW is about water quality; it does not affect water rights, which are about flow. OWs offer a unique, state-level designation (within the legal framework of the federal Clean Water Act) to protect existing water quality, while allowing for the exercise of valid water rights.

Are Preexisting Activities Such As Grazing Affected?

OW protections only prevent new or increased sources of pollution in designated streams. Preexisting uses, such as grazing and recreation, as well as Water Quality Control Division (WQCD) permitted activities can continue at the levels and intensities in place at the time of designation. In other words, as long as a preexisting use does not increase pollution in a stream, OW would not limit that use. If a use (such as grazing or recreation) does not currently require a permit from WQCD, that would not change under an OW designation – no new permit would be required.

Are New, Long-Term Activities Allowed Near Or Along Outstanding Waters Reaches?

New activities may also take place so long as they do not result in any degradation of the high levels of water quality of the given reach (relative to the quality at the time of OW designation).

Are Short-Term, Temporary Activities Allowed?

Short-term water quality degradation of a waterbody designated as an OW may be allowed to occur for activities that result in long-term ecological or water quality benefit or clear public interest– for example, for restoration of a campground– so long as that degradation is minimized and water quality returns to its prior high-quality condition after the activity is completed.



Can an Outstanding Waters designation go through private land?

Yes. OW designations can go through private land as long as the designation criteria for OW are met. An OW designation prohibits any new activity or any expanded activity that could degrade water quality below designated levels for a given reach, ensuring clean water for rivers flowing through private property.

How are downstream water users affected by an Outstanding Waters designation?

Downstream water users are not impacted by an OW designation other than benefiting from the protection and delivery of high-quality water downstream.

OUTSTANDING WATERS – HOW ARE THEY DESIGNATED?

Outstanding Waters (OW) is a designation awarded to reaches of streams, rivers or other bodies of water with high water quality and exceptional recreational or ecological significance that are deemed worthy of increased protections by the State of Colorado. The intent of the designation is to prevent degradation, thus preserving existing high water quality for future generations.

An OW designation is made through the Water Quality Control Commission (Commission) in the Colorado Department of Public Health and Environment (CDPHE). Designations are made as part of the Commission's triennial rulemakings held on a rotating basis for basins around the state; each basin rulemaking process is spread over three calendar years from scoping, through issues formulation, to final action.

To qualify as an OW, a waterbody must meet three key criteria:

1

Waters must constitute an outstanding natural resource, with “exceptional recreational or ecological significance” and not modified by human activities in ways that substantially detract from their natural resource values. Examples include Gold Medal trout fisheries, native cutthroat trout recovery waters, waters with outstanding opportunities for recreation such as boating, swimming, and fishing, as well as waters within national parks, monuments, wildlife refuges, and wilderness areas.

2

Waters must require protection in addition to that provided by water quality classifications, standards, and protections from the CDPHE. For example, the Commission has recognized the need for native trout to have water quality maintained at existing high levels in light of those species' sensitivity to water pollution. Similarly, wilderness areas require protection at their existing high-quality levels to maintain that “untrammelled by man” wilderness quality.



Waters must be equal to or better than the water quality standards for 12 key parameters to support aquatic life, recreation, and/or domestic water supply uses.

These parameters are:

pH affects many chemical and biological processes in surface water. For example, at low pH metals are typically more soluble and more toxic to aquatic life.

Nutrients are essential for living organisms and exist in different forms that naturally cycle through the atmosphere, terrestrial and aquatic ecosystems. Excess nutrients, however, can adversely affect aquatic habitat and become toxic to sensitive aquatic species. Nutrients used in evaluating potential OWs are:

- chronic ammonia
- nitrate

E. coli is a group of bacteria that have the potential to cause sickness and disease; excessive E. coli in surface water could harm humans that inadvertently swallow water while recreating.

Metals and other trace elements are found in surface water from natural sources such as the weathering of rock, but can also be elevated due to disturbances such as wildfire or historic mining, causing harmful impacts on aquatic life. Metals measured in evaluating potential OWs are:

- chronic cadmium
- chronic copper
- chronic lead
- chronic manganese
- chronic selenium
- chronic silver
- chronic zinc

Representative data across multiple seasons should be sampled to demonstrate that water quality is indeed equal to or better than these water quality requirements.

Dissolved oxygen (DO) is a measure of oxygen available to aquatic organisms; some aquatic organisms require abundant DO while others are adapted to survive with less.

Source: 5 CCR 1002-31.8 (2)(a)



Table 1. Water quality parameters required for Outstanding Waters consideration

Target Analyte	Fraction Evaluated	Use classified by Water Quality Control Division	Water quality standard	Assessment statistic
pH	N/A	Aquatic Life	6.5 - 9.0	15 th – 85 th percentile
Dissolved Oxygen	N/A	Aquatic Life	6.0 / 7.0 mg/l	15 th percentile
<i>E. coli</i>	N/A	Recreation	126 /100ml	Geometric mean
Ammonia	Total	Aquatic Life - Chronic	pH and temperature dependent standard	85 th percentile
Nitrate or Nitrate-Nitrite	Total	Domestic Water Supply Use	10 mg/l	85 th percentile
Cadmium	Dissolved	Aquatic Life - Chronic	Hardness-based standard	85 th percentile or exceedances in less than 15% of samples
Copper	Dissolved	Aquatic Life - Chronic	Hardness-based standard	
Lead	Dissolved	Aquatic Life - Chronic	Hardness-based standard	
Manganese	Dissolved	Aquatic Life - Chronic	Hardness-based standard	
Selenium	Dissolved	Aquatic Life - Chronic	4.6 ug/l	85 th percentile
Silver	Dissolved	Aquatic Life - Chronic	Hardness-based standard	85 th percentile or exceedances in less than 15% of samples
Zinc	Dissolved	Aquatic Life - Chronic	Hardness-based standard	