

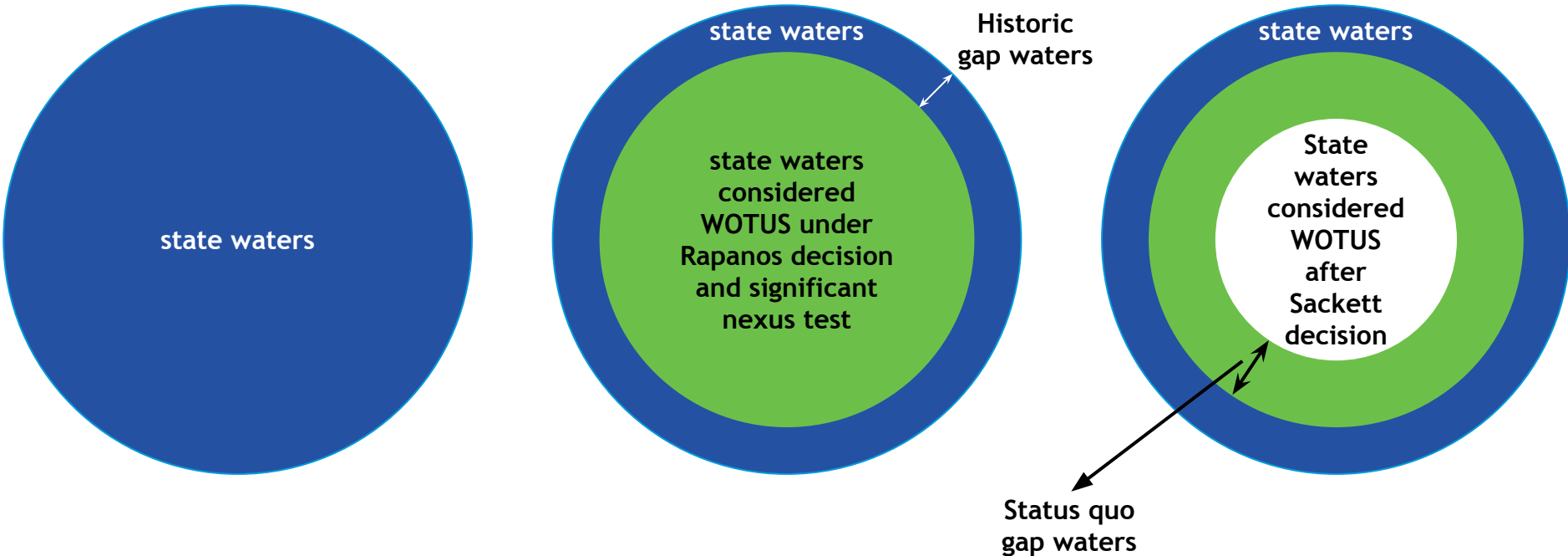
WATERS OF THE UNITED STATES

August 23, 2023
Water Resources and Agricultural
Review Committee



COLORADO
Department of Public
Health & Environment

Gap Waters



Stakeholder engagement

2020

2021

EPA publishes
Navigable Waters
Protection Rule

State launches
stakeholder effort to
discuss potential bill

State continues meetings
to review potential
program if stay is lifted

State presents
stakeholder and
state white papers

Stay is lifted -
State program
is needed

State holds weekly
stakeholder meetings

2020 Navigable
waters protection
rule was vacated
in September 2021

Apr 21

May 5

Jun 6

Jun 21

Jun 30

Aug 25

Sep 29

Nov 11

Jan 7

Feb 4

Mar 2

May 15

June

Sept

We met with stakeholders almost **every month** after EPA published the 2020 rule and almost **every week** once the rule took effect in Colorado.

Stakeholders came to a consensus there are gap waters, but there was not consensus on what to do about them.

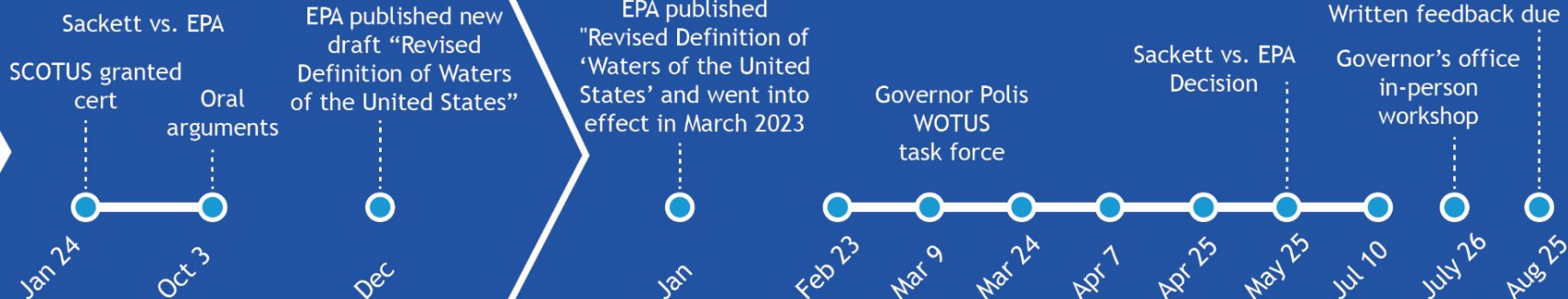


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Stakeholder engagement (con't)

2022

2023



We will continue stakeholder engagement throughout the fall of 2023.



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Department of Public Health & Environment

Definition & rule timeline

1986/1988
Regulatory
Definition

2015
WOTUS
Rule

2020
WOTUS
Rule

2023
WOTUS
Rule

1980 1985 1990 1995 2000 2005 2010 2015 2020 2025

2008
Rapanos
Guidance

2021
2020 WOTUS rule was
only in effect in CO
from April to
September



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Thank you!



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