

October 23, 2008

Kim Headley
Director
Department of Planning and Development
Pueblo County
229 West 12th Street
Pueblo, CO 81003

**RE: Completeness Report
SDS 1041 Application**

Mr. Headley:

The above referenced application is complete with the provisos and qualifiers discussed below. A determination of completeness is not indicative of whether the County Commissioners will approve, approve with conditions or deny the permit. It should be pointed out that Section 17.172.120 I (Additional Information) allows you to request additional information from the applicant if the County Commissioners deem it necessary or in response to referral comments.

A determination of completeness means only that some information has been submitted pursuant to each and every requirement of the Regulations. It does not mean that the information submitted is of sufficient detail to judge impacts or to determine appropriate mitigation.

This completeness review was performed by comparing four (4) Applicable Sections of County Regulations with the information submitted by the applicant. The four Sections of County Regulations are:

- 17.148 Administrative Regulations
- 17.164 Local Regulations of Site Selection and Construction of Major New Domestic Water and Sewage Treatment Systems and Major Extensions of Existing Domestic Water and Sewage Treatment Systems
(Note to Kim: I'm not sure about this one because there is no treatment in Pueblo County)
- 17.168 Site Selection and Construction of Major Facilities of Public Utilities
- 17.172 Regulations for Efficient Utilization of Municipal and Industrial Water Projects

The format of this completeness report is a citation of the Section of the Regulations followed by an identification of where the required information is provided in the application.

The application that is the subject of this completeness report does not contain the required information for the substation that Black Hills Corporation would be building for the Juniper Pump Station (and perhaps the new substation would replace the existing power system for the other electric demands at the dam). We have been advised that Black Hills will be submitting a separate 1041 application at some unspecified time in the future. It is recommended that Black Hills provide a letter to the County with the following information:

- Commitment to provide power
- Commitment to submit a 1041 application
- General location, size and height of the substation
- General corridor and height of transmission lines

The Southern Delivery System (SDS) 1041 Application contains some information on mitigation of impacts however it is general in nature and to some extent relies on mitigation which will be required by the Bureau of Reclamation (BOR) which is forthcoming. This is not considered a completeness issue because any mitigation that the County may require can and should evolve over the course of the review and public hearing process and may result in terms and conditions of any permit approval. The applicant has stated they will provide mitigation required by BOR as soon as they receive it. It would be prudent to have the BOR mitigation prior to the public hearings.

Chapter 17.148 - ADMINISTRATIVE REGULATIONS

The Administrative Regulations must be complied with but they are not a completeness issue.

Chapter 17.164 - LOCAL REGULATIONS OF SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MAJOR EXTENSIONS OF EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS

The relevant completeness issues in this Section of the Regulations are the approval criteria listed in 17.164.030. The applicant should provide information pursuant to each of these criteria.

17.164.030 Approval Criteria

- A. There is sufficient existing and projected need to warrant and support the proposed activity.***

Information pursuant to this Section is provided at:

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| 1041 Application and its Attachments: | Section B (especially B(4)) Appendix A |
| DEIS: | Chapter 1.1.2, 1.1.3, 1.5 |
| DEIS Appendix: | Appendix A |
| Technical Analysis Reports | Socioeconomic Resources |
| Accompanying DEIS: | Technical Report, Socioeconomic Effects Analysis |

B. *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.*

Information pursuant to this Section is provided at:

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|--------------------------------------|--|
| 1041 Application and its Attachments | Section B(2), F(5), Appendix D |
| DEIS: | Chapters 1.5, 2.1, 2.7, 3.1.3.1, 4.3 |
| DEIS Appendix: | Appendix A, Appendix B |
| Technical Analysis Reports | Water Resources |
| Accompanying DEIS: | Technical Report, Water Resources Effects Analysis |

C. *Major extensions of domestic water and sewage treatment systems will not create growth and development which is incompatible with and cannot be accommodated by the local financial capacity of the area or residents to be served.*

Information pursuant to this Section is provided at:

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| 1041 Application and its Attachments: | Section A(4), D, E(2) Appendix A, Appendix B, Appendix J |
| DEIS: | Chapters 2.1.3, 3.1.6, 3.26.1.8 |
| DEIS Appendix: | Appendix A |
| Technical Analysis Reports | Socioeconomic Resources |
| Accompanying DEIS: | Technical Report, Socioeconomic Effects Analysis |

D. *Major extensions of domestic sewage treatment systems will not overburden the existing systems and current and projected*

future demand for the service can be met within existing and proposed capacity.

Note: This criterion is not applicable according to the Applicant; it is, however, assessed here for the purposes of completeness. While the project does not directly involve extension of a domestic sewage treatment system, the provision of a new domestic water supply that is the subject of the present application will necessarily result in additional wastewater within the SDS service area. One of the entities served by SDS is within Pueblo County and effluent streams from wastewater facilities in other applicant jurisdictions will reach Pueblo County by end-of-pipe discharges within the Fountain Creek watershed. Any activity subject to Chapter 17.164 is considered to be either major new construction or major extension of a domestic water and sewage treatment system (see Section 17.164.010(A)). Pueblo County 1041 regulations also anticipate extraterritorial jurisdiction (see Section 17.164.010(B)(2)).

Information pursuant to this Section is provided at:

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|---------------------------------------|---|
| 1041 Application and its Attachments: | Section B(7), E(2), Appendix A, Appendix D |
| DEIS: | Chapters 2.1.2.1, 2.4.2, 3.1.3.1 |
| DEIS Appendix: | Appendix B, Appendix H |
| Technical Analysis Reports | Water Resources Effects |
| Accompanying DEIS: | Analysis, Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

E. The activity can be supported by water possessed by the applicant of sufficient quality to meet the State's drinking water standards and in sufficient quantity to fulfill existing and projected future demand.

Note: The Applicant's "Evaluation Criteria Cross Reference Guide" lists Section D of the SDS 1041 Permit Application as providing information relative to this criterion; however, no information pertaining to water quality or water quantity is located in Section D. Section D does note certain Intergovernmental Agreements that may be germane to this criterion, and would be considered if and when furnished by the Applicant.

Information pursuant to this Section is provided at:

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|---------------------------------------|---|
| 1041 Application and its Attachments: | Section C(3), F(5), I(2), Appendix G |
| DEIS: | Chapter 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.14.4 |
| DEIS Appendix: | Appendix B |

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| Technical Analysis Reports Accompanying DEIS: | Water Resources Technical Report, Water Resources Effects Analysis, Water Quality Technical Report |
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F. The activity will not create proliferation of special districts, or overlapping of the boundaries of special districts.

Information pursuant to this Section is provided at:

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| 1041 Application and its Attachments: | Letter of Request (2), Letter of Request (5), Sections (3), A(4), E(5), Appendix B, Appendix D, Appendix F |
| DEIS: | Chapters 3.2.10, 4.3 |
| DEIS Appendix: | Appendix A |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

G. Environmental impacts including, but not limited to, agricultural productivity potential, aquatic life, stream standards, groundwater, and in-stream water quality related to the proposed activity have been identified and will be mitigated or compensated for.

Information pursuant to this Section is provided at:

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| 1041 Application and its Attachments: | Section C(2), C(3), D(1), E(2), E(8), F, G, H, I(1), I(2), I(3), Appendix B, Appendix L, Appendix M, Appendix N, Appendix O Appendix P, Appendix Q, Appendix R |
| DEIS: | Chapter 3 |
| DEIS Appendix: | Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H |
| Technical Analysis Reports Accompanying DEIS: | All EIS Support Documents |

H. The proposed activity will not make demands upon natural resources, including but not limited to, water, energy resources, and unique environmental areas, which demands are excessive when compared with the value of the activity.

Information pursuant to this Section is provided at:

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| 1041 Application and its Attachments: | Letter of Request (5), Sections B(6), H, I(1), Appendix B, Appendix G, Appendix M, Appendix N, Appendix O, Appendix P, Appendix Q |
| DEIS: | Chapters 2.1, 3 |
| DEIS Appendix: | Appendix C, Appendix D, Appendix E, Appendix F, Appendix G |
| Technical Analysis Reports Accompanying DEIS: | Various Effects Analyses |

I. The proposed activity does not conflict with the Pueblo Regional Water Quality Management Plan, or other duly adopted plans of the County of Pueblo.

Information pursuant to this Section is provided at:

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| 1041 Application and its Attachments: | Section E(1), E(2), F(3) F(8), H, I(1), I(2), Appendix I |
| DEIS: | 3.15.4 |
| DEIS Appendix: | Appendix H |
| Technical Analysis Reports Accompanying DEIS: | Water Quality Technical Report, Water Quality Effects Analysis Approach Technical Memorandum, Water Quality Effect Analyses, Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

J. All natural hazards affecting the proposal, including, but not limited to, floods, expansive and corrosive soils, unstable geologic features, such as mudflows, landslides and avalanches have been avoided or compensated for by the activity.

Note: According to the Letter of Request, Section 6 (see also Section C(5) of the SDS 1041 Permit Application), the Applicant is exempted from mineral notification requirements. Assessment of potential geologic instability due to historic mining and drilling activities must rely on other records.

Information pursuant to this Section is provided at:

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| 1041 Application and its Attachments: | Section F(6), F(9), I(3), Appendix Q |
| DEIS: | Chapters 2.3.6, 3.8 |
| DEIS Appendix: | Appendix C |
| Technical Analysis Reports | Hydrologic Model |
| Accompanying DEIS: | Documentation Report, Surface Water Hydrology Effects Analysis, Bird- Wildlife Aircraft Strike Hazard Assessment |

K. The activity will not conflict or create any conflict with the surrounding lands either as they exist currently or as proposed by local plans and programs previously approved by the governing body of the territory in which the proposed activity lies.

Information pursuant to this Section is provided at:

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|---------------------------------------|---|
| 1041 Application and its Attachments: | Section D, E(1), E(7), I, Appendix B, Appendix E, Appendix H, Appendix I, Appendix K, Appendix P |
| DEIS: | Chapter 3.2.5, 3.5, 3.15, 3.18 |
| DEIS Appendix: | Appendix B, Appendix C, Appendix F, Appendix G, Appendix H |
| Technical Analysis Reports | Water Resource Effects |
| Accompanying DEIS: | Analysis, Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

L. The proposed activity is the best alternative available for the provision of water and/or sewer service to the geographic area affected by the proposal.

Information pursuant to this Section is provided at:

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|---------------------------------------|--|
| 1041 Application and its Attachments: | Section B(2), B(4), B(6), C(3), Appendix A, Appendix F |
| DEIS: | Chapters 2, 3.1, 4.1, 4.2 |
| DEIS Appendix: | Appendix A, Appendix B |
| Technical Analysis Reports | Bureau of Reclamation |
| Accompanying DEIS: | Draft NEPA Manual |

- M. Economic impacts including, but not limited to, taxable property, agriculture, NPDES permitted facilities, and recreation related to the proposed activity have been identified and will be mitigated or compensated for.***

Information pursuant to this Section is provided at:

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|---------------------------------------|---|
| 1041 Application and its Attachments: | Section C(4), D, E(2), E(3), E(4), E(5), E(6), E(9), Appendix C, Appendix E |
| DEIS: | Chapter 3.14, 3.15, 3.16 |
| Technical Analysis Reports | Recreational Resources |
| Accompanying DEIS: | Technical Report, Socioeconomics Resources Technical Report, Socioeconomic Effects Analysis |

- N. Additional permit for a major new domestic water supply system or major extension of an existing domestic water supply system. When the component water supply system for a major new domestic water system or major extension of an existing domestic water system is proposed to be developed for a new or increased diversion per year, or new or increased storage capacity, of 500 acre-feet or more, the additional criteria set forth in §17.172.130, which are incorporated by this reference, shall be satisfied as part of this designation and the activity will require a permit for a Municipal Water Project pursuant to §17.172.010 et seq.***

This approval criterion incorporates by reference the provisions of Pueblo Code Chapter 17.172 in certain circumstances. The provision applies in this case due to new diversion of water through the SDS system, and also because the SDS system as proposed will require more than 500 acre-feet of new storage capacity to serve the project. Submittal requirements and completeness analysis are provided separately (below) relative to approval criteria under Section 17.172.130.

- O. 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.***

Note: According to the Letter of Request, Section 6 (see also Section C(5) of the SDS 1041 Permit Application), the Applicant is exempted from mineral notification requirements.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Letter of Request,
Section C, Appendix C,
Appendix F, Appendix K
DEIS: Chapters 1.3.2, 2.4.4,
3.18, 4.3, 4.4

Chapter 17.172 - REGULATIONS FOR EFFICIENT UTILIZATION OF MUNICIPAL AND INDUSTRIAL WATER PROJECTS

17.172.070 *Permit or Finding of No Significant Impact (FONSI) Required After Designation*

This Section requires either a Finding of No Significant Impact (FONSI) or a 1041 Permit. A FONSI was denied by the Administrator. The Administrator's decision on the FONSI was not called-up by the County Commissioners nor did any affected party seek reconsideration.

17.172.080 *Pre-Application Procedure*

This Section requires the applicant to have a pre-application meeting with the Administrator. This has taken place. The Administrator asked several questions and the applicant has responded in the 1041 application document at Section I – Additional Information.

17.172.100 *Application Fee*

The Administrator established a fee estimate and the applicant has paid the fee.

17.172.120 *Application Submittal Requirements*

A. Information describing the applicant.

- (1) The names, addresses, including email address and fax number, organizational form, and business of the applicant and, if different, the owner of the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Section A1, A2

- (2) The names, addresses and qualifications, including those areas of expertise and experience with projects directly related

to similar to that proposed in the application package of individuals who are or will be responsible for constructing and operating the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Section A2, A3

- (3) Authorization of the application package by the Project owner, if different than the applicant.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Section A3

- (4) 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.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Section A4 – A6

- (5) Written qualifications of report preparers.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Section A6, A7

B. Information describing the project.

- (1) Plans and specifications of the Project in sufficient detail to evaluate the application against the Permit Application Approval Criteria.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Appendix B, and Pages B1 – B5

- (2) Descriptions of alternatives to the Project considered by the applicant. If the Administrator determines that the nature or extent of the proposal involves the potential for significant damage and warrants examination of other specific, less damaging alternatives on such additional alternatives as part of the application.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages B5 – B11

The DEIS discusses several alternatives.

- (3) Schedules for designing, permitting, constructing and operating the Project, including the estimated life of the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Appendix C, and Page B12

- (4) The need for the Project, including a discussion of alternatives to the Project that were considered and rejected; existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages B12 – B15

The DEIS discusses several alternatives.

- (5) Description of all conservation techniques to be used in the construction and operation of the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages B15 – B19

- (6) Description of efficient water use, recycling and reuse technology the Project intends to use. Such description shall include estimated stream transit losses of water, reservoir evaporation losses, and power and energy requirements of the Project and alternatives to the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages B19 – B23

- (7) 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.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages B23 – B29

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

Information pursuant to this Section is provided at:

1041 Application and its Attachments: B29, reference to 17.170.120.B (4), Pages B12 – B15

- (9) List of Adjacent property owners and their mailing addresses.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: B29 and Appendix E Pages 1 - 12

C. *Property rights, other permits and approvals.*

- (1) A list of all other federal, state and local permits and approvals that will be required for the Project, together with any proposal for coordinating these approvals with the County permitting process. Copies of any permits or approvals that have been granted.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages C1 – C5

- (2) Copies of all official federal and state consultation correspondence prepared for the Project; a description of all mitigation required by federal, state and local authorities; and copies of any draft or final environmental assessments or impact statements required for the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages C5 – C7
The DEIS and all the Technical Analysis Reports were submitted.

- (3) Description of water to be used by the Project and alternatives, including: the source, amount, the quality of such 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; and the existing uses of the water. If an augmentation plan for the Project has been decreed or an application for such plan has been filed in the court, the applicant must submit a copy of the plan.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages C7 – C9 and
Appendix G Pages
1 and 2

- (4) Description of property rights that are necessary for or that will be affected by the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages C9 and C10
and Appendix E and
Appendix H

- (5) Any application which requires compliance with §24-65.5-101, et seq. C.R.S (Notification to Mineral Owners of Surface Development) shall not be considered to have been submitted as complete until the applicant has provided a certification signed by the applicant confirming that the applicant or its agent has examined the records of Pueblo County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. In addition, for purposes of the County convening its initial public hearing on any application involving property which mineral estates owners or lessees owning less than full fee title in the property have been certified by the applicant to exist, the application shall not be considered to have been submitted as complete until the applicant has provided an additional signed certification confirming that the applicant has, at least 30 days prior to the initial public hearing, transmitted to the County and to the affected mineral estate owners and lessees the notices required by §24-65.5-101 et seq. C.R.S.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages C10 and J1

D. Description of the technical financial feasibility of the project.

- (1) The estimated construction costs and period of construction for each development component and the total mitigation costs for the project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Page D1 and Appendix A

- (2) Revenues and operating expenses for the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Page D2

- (3) The amount of any proposed debt and the method and estimated cost of debt service.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages D2 and D3

- (4) Details of any contract or agreement for revenues or services in connection with the Project.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Pages D3 and D4

- (5) Description of the persons or entity(ies) who will pay for the Project and/or services produced by the development and those who will benefit from any and all revenues generated by it.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Page D5

E. Socioeconomic impacts.

- (1) Land Use

- (a) Description of existing land uses within and adjacent to the impact area.

1041 Application and its Attachments: Sections E(1)(a), Appendix D
DEIS: Chapters 2.2.1, 2.2.2, 3.2.5

Technical Analysis Reports
Accompanying DEIS: Socioeconomic Resources Technical Report,

Socioeconomic
Effects Analysis

- (b) Description of provisions from local land use plans that are applicable to the Project and an assessment of whether the Project will comply with those provisions.

1041 Application and its Attachments: Section E(1)(b)
Technical Analysis Reports

Accompanying DEIS: Socioeconomic
Resources
Technical Report,
Socioeconomic
Effects Analysis

- (c) Description of impacts and net effect that the Project would have on land use patterns.

1041 Application and its Attachments: Letter of Request
(3), Letter of
Request (5),
Sections E(1)(c),
H(1), I(3), I(5), I(7)
DEIS: Chapters 1.4.3,
2.4.3, 3.2.5, 3.15

Technical Analysis Reports
Accompanying DEIS: Socioeconomic
Resources
Technical Report,
Socioeconomic
Effects Analysis

(2) Local Government Services

- (a) Description of existing capacity of and demand for local government services including but not limited to roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate development within Pueblo County.

1041 Application and its Attachments: Sections D, E(1),
E(2), I(4), I(7),
Appendix D

DEIS: Chapter 1.5
Technical Analysis Reports
Accompanying DEIS: Socioeconomic
Resources
Technical Report,
Socioeconomic
Effects Analysis

- (b) Description of the impacts and net effect of the Project to the capability of local governments that are affected by the Project to provide services.

1041 Application and its Attachments: Sections D, E(2), H(1), I(4), I(6), I(7)
 DEIS: Chapters 2.2.2, 3.15, 3.21
 Technical Analysis Reports
 Accompanying DEIS: Socioeconomic Resources
 Technical Report,
 Socioeconomic
 Effects Analysis

(3) Housing

- (a) Description of existing seasonal and permanent housing including number, condition and cost of dwelling units.

1041 Application and its Attachments: Section E(3)
 Technical Analysis Reports
 Accompanying DEIS: Socioeconomic Resources
 Technical Report,
 Socioeconomic
 Effects Analysis

- (b) Description of the impact and net effect of the Project on housing during construction and operation stages of the Project.

1041 Application and its Attachments: Section E(3)
 Technical Analysis Reports
 Accompanying DEIS: Socioeconomic Resources
 Technical Report,
 Socioeconomic
 Effects Analysis

(4) Financial Burden on County Residents

- (a) Description of existing tax burden and fee structure for government services including but not limited to assessed valuation, mill levy, rate for water and wastewater treatment, and costs of water supply.

1041 Application and its Attachments: Sections A(4), E(4), Appendix A, Appendix J

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| DEIS: | Chapter 3.15.4 |
| DEIS Appendix: | Appendix A |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

(b) Description of the impacts and net effect of the Project on financial burdens of residents

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| 1041 Application and its Attachments: | Sections D, E(4), H(1) |
| DEIS: | Chapter 3.15, 3.16, 3.26.1.8 |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

(5) Local Economy

(a) Description of the local economy including but not limited to revenues generated by the different economic sectors, and the value or productivity of different lands.

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| 1041 Application and its Attachments: | Section E(5) |
| DEIS: | Chapter 3.15, 3.16 |
| DEIS Appendix: | Chapter |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

(b) Description of the impacts and net effect of the Project on the local economy and opportunities for economic diversification.

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| 1041 Application and its Attachments: | Sections E(5), E(9), H(1), Appendix H |
| DEIS: | Chapter 3.15 |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources |

Technical Report,
Socioeconomic
Effects Analysis

(6) Recreation Opportunities

- (a) Description of present and potential recreational uses, including but not limited to the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.

1041 Application and its Attachments: Sections E(6),
I(1), I(8)
DEIS: Chapter 3.14
Technical Analysis Reports
Accompanying DEIS: Recreation
Resources
Technical Report,
Socioeconomic
Resources
Technical Report,
Socioeconomic
Effects Analysis

- (b) Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, hiking and biking trails and wilderness areas.

1041 Application and its Attachments: Sections E(6), I(8)
DEIS: Chapter 3.14
Technical Analysis Reports
Accompanying DEIS: Recreation
Resources
Technical Report,
Socioeconomic
Resources
Technical Report,
Socioeconomic
Effects Analysis

- (c) Description of the impacts and net effect of the Project on present and potential recreational opportunities and revenues to the local economy derived from those uses.

1041 Application and its Attachments: Sections E(6),
H(1), I(1)
DEIS: Chapter 3.14,
3.15
Technical Analysis Reports
Accompanying DEIS: Recreation
Resources

Technical Report,
Socioeconomic
Resources
Technical Report,
Socioeconomic
Effects Analysis

(7) Areas of Paleontological, Historic or Archaeological Importance.

(a) Map and/or description of all sites of paleontological, historic or archaeological interest.

1041 Application and its Attachments: Section E(7),
Appendix K
DEIS: Chapter 3.17,
3.18, 3.22

Technical Analysis Reports
Accompanying DEIS: Cultural
Resources
Technical Report,
Socioeconomic
Resources
Technical Report,
Socioeconomic
Effects Analysis

(b) Description of the impacts and net effect of the Project on sites of paleontological, historic or archaeological interest.

1041 Application and its Attachments: Sections E(7),
H(1), Appendix B,
Appendix K
DEIS: Chapter 3.17,
3.18, 3.22

DEIS Appendix: Chapter
Technical Analysis Reports
Accompanying DEIS: Cultural
Resources
Technical Report,
Socioeconomic
Resources
Technical Report,
Socioeconomic
Effects Analysis

(8) Nuisance

(a) Descriptions of noise, glare, dust, fumes, vibrations and odor levels caused by the Project.

1041 Application and its Attachments: Section E(8), H(1)
 DEIS: Chapter 3.19,
 3.24, 3.26

Technical Analysis Reports
 Accompanying DEIS: Socioeconomic
 Resources
 Technical Report,
 Socioeconomic
 Effects Analysis

(9) Loss of Agricultural Property

(a) Information on any agricultural water rights in the region converted to provide water for the Project, now or in the future.

1041 Application and its Attachments: Section E(9),
 Appendix G
 DEIS: Chapter 3.2.6,
 3.2.10, 3.5

Technical Analysis Reports
 Accompanying DEIS: Socioeconomic
 Resources
 Technical Report,
 Socioeconomic
 Effects Analysis

(b) Information on the amount of irrigated agricultural lands taken out of projection and a description of revegetation plans.

1041 Application and its Attachments: Sections E(9),
 H(1), Appendix H
 DEIS: Chapters 1.5, 3.5,
 3.7, 3.15
 DEIS Appendix: Appendix C,
 Appendix E

Technical Analysis Reports
 Accompanying DEIS: Socioeconomic
 Resources
 Technical Report,
 Socioeconomic
 Effects Analysis

(c) Economic consequences of any loss of irrigated agriculture, including loss of tax base, in the region.

1041 Application and its Attachments: Section E(1),
 E(5), E(9)
 DEIS: Chapter 3.15

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| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |
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(d) Information as to loss of wildlife habitat, loss of topsoil, or noxious weed invasion, as a result of the transfer of water rights and subsequent dry-up of lands.

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| 1041 Application and its Attachments: | Sections E(9), H(1) |
| DEIS: | Chapter 3.13 |
| Technical Analysis Reports Accompanying DEIS: | Wildlife Resources Technical Report, Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

F. Environmental impacts.

- (1) Air Quality. Including description of airsheds, description of ambient air quality and state air quality standards for affected airsheds, and description of potential air quality impacts during both construction and operation.

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|---|
| 1041 Application and its Attachments: | Section B(5), F(1), H, I, Appendix L (State Ambient Air Quality Standards) |
| DEIS: | Chapters 3.24, 3.26.1.1 |

- (2) Visual Quality. Including descriptions of ground cover, natural features, scenic vistas and land formations, descriptions of buildings and structures, and potential impacts to visual quality.

| | |
|---------------------------------------|---|
| 1041 Application and its Attachments: | Sections B(1), F(2), H Appendix B.2 (Pump Station Drawings), Appendix M (Vegetation Maps) |
|---------------------------------------|---|

DEIS: Chapters 3.20,
3.26.1.12

- (3) Surface Water Quality. Including descriptions of surface waters to be affected, provisions of the applicable regional water quality management plan and whether the Project would comply, existing monitoring sources, and potential immediate and long-term impacts to quantity and quality of surface water.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Sections C(3), E(6),
F(3), F(5), H, I
DEIS: Chapters 3.2.8, 3.7,
3.26.1.14
Technical Analysis Reports 07 Water Quality
Accompanying DEIS: Technical Report;
08 Water Quality
Effects Analysis
Approach Technical
Memorandum;
09 Water Quality
Effects Analyses (incl.
USGS)

- (4) Groundwater Quality. Including description of all groundwater, including aquifers, water levels and flow directions, recharge rates, existing groundwater quality and classification, location of water wells and their uses, and potential impacts to groundwater.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Sections F(4),
Appendix O (Dakota
Cheyenne Aquifer
and Wells Map)
DEIS: Chapters 3.2.8, 3.6,
3.7
Technical Analysis Reports 01 Water Resources
Accompanying DEIS: Technical Report;
04 Alluvial Ground
Water Effects
Analysis;
07 Water Quality
Technical Report;
08 Water Quality
Effects Analysis
Approach Technical
Memorandum;

09 Water Quality
Effects Analyses (incl.
USGS)

- (5) Water Quantity. Including description of stream flows and reservoir levels, potential impacts to water quantity, and methods for efficient utilization of water.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Sections B(6), E(6),
F(5), I
DEIS: Chapters 3.2.6, 3.2.7,
3.2.10, 3.5, 3.6,
3.26.1.14
Technical Analysis Reports 01 Water Resources
Accompanying DEIS: Technical Report;
02 Hydrologic Model
Documentation
Report;
03 Surface Water
Hydrology Effects
Analysis

- (6) Floodplains, Wetlands and Riparian Areas. Including description of all floodplains, wetlands and riparian areas to be affected by the project, source of water creating wetlands, and impacts to these areas.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Sections B(5), F(6),
H, I, Appendix N
(Wetlands and
Riparian Areas Maps)
DEIS: Chapters 3.8, 3.11,
3.26.1.15
DEIS Appendix: Appendix E –
Conceptual Wetland
Mitigation Plan
Technical Analysis Reports 06 Water Resources
Accompanying DEIS: Effects Analysis;
12 Wetlands, Waters,
and Riparian
Resources Technical
Report

- (7) Terrestrial and Aquatic Animals and Habitat. Including descriptions of animals, their status and relative importance, description of streamflows and lake levels needed to protect

the aquatic environment, threatened or endangered animal species, critical wildlife habitat and livestock range, potential impacts to animals, their habitat and food chain.

Information pursuant to this Section is provided at:

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| 1041 Application and its Attachments: | Sections F(7), H, Appendix P (Terrestrial Animal Habitat Maps) |
| DEIS: | Chapters 3.10, 3.13, 3.26.1.2 |
| DEIS Appendix: | Appendix D – Conceptual Aquatic Resources Mitigation Plan |
| Technical Analysis Reports Accompanying DEIS: | 10 Aquatic Resources Technical Report; 11 Aquatic Resources Effects Analysis; 15 Bird - Wildlife Aircraft Strike Hazard Assessment; 16 Wildlife Resources Technical Report |

- (8) Terrestrial and Aquatic Plant Life. Including description of plant life type and density, threatened or endangered species, potential impacts to plant life.

Information pursuant to this Section is provided at:

| | |
|--|---|
| 1041 Application and its Attachments: | Sections B(5), F(8), H, Appendix M (Vegetation Cover Maps) |
| DEIS: | Chapters 3.11, 3.12, 3.26.1.11 |
| DEIS Appendix: | Appendix E – Conceptual Wetland Mitigation Plan |
| Technical Analysis Reports Accompanying DEIS: | 12 Wetlands, Waters, and Riparian Resources Technical Report; 13 Riparian Vegetation Effects Analysis; 14 Vegetation Resources Technical Report |

- (9) Soils, Geologic Conditions and Natural Hazards. Including description of soils, geologic conditions, natural hazards, risks to the project from natural hazards, potential impacts on soil and geologic conditions.

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|--|
| 1041 Application and its Attachments: | Section B(5), F(9), H, Appendix Q (Borehole Data) |
| DEIS: | Chapters 3.2.4, 3.22, 3.23, 3.9, 3.26.1.4, 3.26.1.9, 3.26.1.14 |
| DEIS Appendix: | Appendix C – Conceptual Geomorphology Mitigation Plan |

G. Hazardous materials description.

This Section requires information on hazardous, toxic and explosive substances and methods to avoid accidental release and exposure. Information on storage and containment of fuel is also required.

Information pursuant to this Section is provided at:

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|--|---|
| 1041 Application and its Attachments: | Section G |
| DEIS: | Chapter 3.25 (this section addresses the potential impact of hazardous materials affecting the project, e.g., encountering soil contamination during excavation). |
| Technical Analysis Reports Accompanying DEIS: | Hazardous Materials Assessment (this report addresses the issue of the project encountering hazardous materials during construction). |

H. Monitoring and mitigation plan.

This Section requires a description of how the adverse impacts of the project will be mitigated and proposed monitoring to ensure that mitigation will be effective

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Section H
DEIS Chapter 2.5.8 (pertains to construction impact mitigation).

References to mitigation are made throughout many sections of the application documents. The language used is not that of a hard commitment. It would be helpful if all proposed mitigation were described in one place and contained a commitment from the applicant that these will be terms and conditions of any permit approval.

I. Additional information may be necessary.

This is not a completeness item however it does give the Administrator the ability to request additional information at a later date.

J. Waiver of submission requirements.

This Section allows the Permit Authority to waive some submission requirements. In Section J of the 1041 application the applicant is requesting a waiver of the Notification to Mineral Owners of Surface Development requirement because they assert they have a statutory exemption. We do not consider this a completeness issue however we recommend that the County Attorney confirm the exemption.

17.172.130 Approval Criteria

A. A permit to conduct the designated activity of a municipal or industrial water project shall be approved if the Project complies with the following criteria and any additional applicable criteria in Section 17.164 (Domestic Water and Sewer Systems). If the project does not comply with any one or more of these criteria, the Permits shall be denied or may be approved with conditions.

The Administrative Regulations cross-reference Section 17.164, which is analyzed above with respect to completeness.

B. In determining whether the Project complies with these criteria, or 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.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Letter of Request, Sections C(1), C(2), C(3), C(4), I(5), I(8), Appendix C, Appendix H, Appendix K,

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

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Section C(1), C(3) C(4), C(5) (*claiming exemption), F(5), I(5), Appendix E, Appendix G, Appendix H
 DEIS: Chapter 3.15, 3.17, 3.18
 Technical Analysis Reports Water Resources
 Accompanying DEIS: Effects Analysis

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

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Letter of Request (3) Sections E(1), F(5) (minimum flows) Appendix I
 DEIS: Chapter 3.2.5, 3.2.8, 3.7, 3.15
 DEIS Appendix: Appendix B, Appendix C, Appendix E
 Technical Analysis Reports Water Resources
 Accompanying DEIS: Effects Analysis, Water Quality Technical Report,

Water Quality
Effects Analysis
Approach Technical
Memorandum,
Water Quality
Effects Analyses,
Socioeconomic
Resources Technical
Report,
Socioeconomic
Effects Analysis

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

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Sections A(2), A(4)
A(5), D(2), D(3), D(4)
D(5), Appendix A
DEIS: Chapter 3.2.5,
3.2.8, 3.7, 3.15

- (5) The Project is technically and financially feasible.

Note: The Applicant has offered to furnish detailed cost estimates where available, which may be used to supplement the submitted SDS 1041 Permit Application as appropriate.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Sections B(3), D,
I(5), I(6), I(7),
Appendix A,
Appendix C,
Appendix D
DEIS: Chapters 1.4.2,
2.1, 3.2.10, 3.4
DEIS Appendix: Appendix A,
Appendix B

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

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Sections F(6),
F(9), I(2), I(3),
Appendix F,
Appendix Q
DEIS: Chapters 2.3.6,
3.8, 3.15.5.3
DEIS Appendix: Appendix C
Technical Analysis Reports Hydrology Model
Accompanying DEIS: Documentation
Report, Surface
Water Hydrology
Effects Analysis,
Bird-Wildlife
Aircraft Strike
Hazard Assessment

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

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Letter of Request
(3), Sections E(1),
H(1), I(1), I(3),
Appendix B,
Appendix I
DEIS: Chapters 3.2.5,
3.15
Technical Analysis Reports Socioeconomic
Accompanying DEIS: Resources Report,
Socioeconomic
Effects Analysis

- (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.

Information pursuant to this Section is provided at:

1041 Application and its Attachments: Letter of Request (4),
Letter of Request (5),
Sections D(4), E(1),
E(2), E(3), H(1), I(5),
I(6), I(7),
Appendix B,
Appendix D
DEIS: Chapter 2

| | |
|--|--|
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |
|--|--|

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

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections D(2), E(4), E(9), H(1), Appendix J |
| DEIS: | Chapters 2.1.3, 3.16 |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

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

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections E(5), E(9), Appendix I |
| DEIS: | Chapter 3.14, 3.15, 3.16, 3.26.1.8 |
| DEIS Appendix: | Appendix A, Appendix B |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

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

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|--|
| 1041 Application and its Attachments: | Sections E(6), H(1), I(1), I(8), Appendix M |
|---------------------------------------|--|

| | |
|--|--|
| DEIS: | Chapter 3.14, 3.26.1.7 |
| DEIS Appendix: | Appendix F, Appendix G |
| Technical Analysis Reports Accompanying DEIS: | Recreation Resources Technical Report, Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

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

Information pursuant to this Section is provided at:

| | |
|--|---|
| 1041 Application and its Attachments: | Sections B(2), B(4), B(5), B(6), E(7), I(7), Appendix B, Appendix K |
| DEIS: | Chapters 2.1, 2.2, 2.3, 2.4, 3.26.2 |
| DEIS Appendix: | Appendix A, Appendix B |
| Technical Analysis Reports Accompanying DEIS: | Water Resources Technical Report, Water Resources Effects Analysis, Socioeconomic Resources Technical Report Socioeconomic Effects Analysis |

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

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|---|
| 1041 Application and its Attachments: | Sections B(1), B(5) D(1), F(1), H(1), Appendix B, Appendix L |
| DEIS: | Chapter 3.24, 3.26.1.1 |
| DEIS Appendix: | Appendix B |

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

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections B(1), B(5), D(1), E(8), F(2), H(1), I(9), Appendix B |
| DEIS: | Chapter 3.12, 3.20, 3.26.1.12 |
| DEIS Appendix: | Appendix B |
| Technical Analysis Reports Accompanying DEIS: | Recreational Resources Technical Report |

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

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections B(1), B(5), C(3), D(1), F(3), H(1), I(2), I(3), Appendix B |
| DEIS: | Chapter 3.2.6, 3.2.8, 3.5, 3.7, 3.8, 3.9, 3.11, 3.26.1.14 |
| DEIS Appendix: | Appendix B, Appendix C, Appendix H |
| Technical Analysis Reports Accompanying DEIS: | Water Quality Technical Report Water Quality Effects Analysis Approach Technical Memorandum, Water Quality Effects Analyses |

- (16) The Project will not significantly degrade wetlands and riparian areas.

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|--|
| 1041 Application and its Attachments: | Sections B(1), B(5), D(1), F(4), Appendix B, Appendix O |
|---------------------------------------|--|

| | |
|--|--|
| DEIS: | Chapters 2.5.1, 3.26.1.14 |
| DEIS Appendix: | Appendix C, Appendix E, Appendix H |
| Technical Analysis Reports Accompanying DEIS: | Water Resources Technical Report, Alluvial Ground Water Effects Analysis, No Action Alternative (Denver Basin Ground Water Modeling) |

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

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections B(1), B(5), D(1), F(6), H(1) I(1), I(2), Appendix B, Appendix M, Appendix N |
| DEIS: | Chapter 3.11, 3.26.1.11, 3.26.1.15 |
| DEIS Appendix: | Appendix C, Appendix D, Appendix E |
| Technical Analysis Reports Accompanying DEIS: | Wetlands, Waters and Riparian Resources Technical Report, Riparian Vegetation Effects Analysis, Vegetation Resources Technical Report |

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

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|---|
| 1041 Application and its Attachments: | Sections B(1), B(5), D(1), F(5), F(7), H(1), I(1), I(2), Appendix B |
|---------------------------------------|---|

| | |
|--|--|
| DEIS: | Chapter 3.10, 3.13, 3.26.1.2, 3.26.1.15, 3.26.1.16 |
| DEIS Appendix: | Appendix C, Appendix D |
| Technical Analysis Reports Accompanying DEIS: | Aquatic Resources Technical Report, Aquatic Resources Effects Analysis, Riparian Vegetation Effects Analysis, Bird-Wildlife Aircraft Strike Hazard Assessment, Wildlife Resources Technical Report |

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

Information pursuant to this Section is provided at:

| | |
|--|---|
| 1041 Application and its Attachments: | Sections B(1), B(5), D(1), F(8), H(1), I(1), Appendix B, Appendix M |
| DEIS: | Chapter 3.11, 3.12, 3.23, 3.26.1.11 |
| DEIS Appendix: Technical Analysis Reports Accompanying DEIS: | Appendix C Riparian Vegetation Effects Analysis, Vegetation Resources Technical Report |

- (20) The Project will not significantly deteriorate soils and geologic conditions nor cause significant erosion, sedimentation, or flooding.

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|---|
| 1041 Application and its Attachments: | Sections B(1), B(5), D(1), F(3), F(5), F(6), F(9), H(1), I(2), I(3), Appendix B, Appendix Q |
| DEIS: | Chapters 3.22, 3.23, 3.26.1.9 |

| | |
|--|---|
| DEIS Appendix: Technical Analysis Reports Accompanying DEIS: | Appendix C Vegetation Resources Technical Report |
|--|---|

(21) The Project will not cause a nuisance.

Note: If night operations are anticipated, more information may be needed to facilitate review of lighting impacts.

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections B(1), B(5), D(1), E(8), H(1), Appendix B |
| DEIS: | Chapter 3.19, 3.21, 3.26.1.5, 3.26.1.6, 3.26.1.8, 3.26.1.10, 3.26.1.13 |
| DEIS Appendix: | Appendix B, Appendix H |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

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

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections B(1), B(5), E(7), H(1), Appendix B, Appendix K |
| DEIS: | Chapter 3.17, 3.18, 3.22, 3.26.1.3, 3.26.1.4 |
| DEIS Appendix: | Appendix F, Appendix G |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

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

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections G, H(1), I(4), I(6), Appendix R |
| DEIS: | Chapter 3.25, 3.26.1.13 |
| DEIS Appendix: | Appendix H |
| Technical Analysis Reports Accompanying DEIS: | Hazardous Materials Assessment Report |

- (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 within areas which impact the County, or the losses of opportunities to develop such resources.

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections B(4), D(5), E(5), E(6), H(1) |
| DEIS: | Chapters 1.5, 2.1.3, 2.6, 2.7, 3.26 |
| DEIS Appendix: | Appendix A, Appendix B |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis, Various Effects Analyses |

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

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|---|
| 1041 Application and its Attachments: | Sections B(1), B(6), B(7), C(3), F(5), I(2), |
| DEIS Appendix: | Appendix B, Appendix C, Appendix D, Appendix E |

| | |
|--|---|
| Technical Analysis Reports Accompanying DEIS: | Water Resources Technical Report, Water Resources Effects Analysis |
|--|---|

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

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Letter of Request (2), Sections A(1), B(7), C(2), D(4), E(2), Appendix B, Appendix D |
| DEIS: | Chapter 2.5.7 |
| DEIS Appendix: | Appendix B |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

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

Information pursuant to this Section is provided at:

| | |
|--|--|
| 1041 Application and its Attachments: | Sections B(4), D(4), E(1)(a), E(3), Appendix I |
| DEIS: | Chapters 1.5, 2.1 |
| DEIS Appendix: | Appendix A, Appendix B |
| Technical Analysis Reports Accompanying DEIS: | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |

- (28) 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.

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|---|
| 1041 Application and its Attachments: | Sections D(1), E(1) E(2), F(4), H, Appendix B |
| DEIS: | Chapter 3.6 |
| DEIS Appendix: | Appendix C |
| Technical Analysis Reports | Water Resources Technical Report, Hydrologic Model Documentation Report, Alluvial Ground Water Effects Analysis, Water Resources Effects Analysis |
| Accompanying DEIS: | |

- (29) 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 regulator or technological requirements.

Information pursuant to this Section is provided at:

| | |
|---------------------------------------|--|
| 1041 Application and its Attachments: | Letter of Request (3), Letter of Request (6), Sections B(1), B(4), E(1), I(6), Appendix F, Appendix I |
| DEIS: | Chapter 1.5 |
| DEIS Appendix: | Appendix A |
| Technical Analysis Reports | Socioeconomic Resources Technical Report, Socioeconomic Effects Analysis |
| Accompanying DEIS: | |

- B. *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".***

This is not a completeness issue because the criteria are not mandatory.

17.172.140

Financial Guarantee

Permit Authority may require applicant to file a guarantee of financial security.

This Section allows the County Commissioners, at their discretion, to require the applicant to file a guarantee of financial security to assure that the applicant faithfully performs all the requirements of the permit. The 1041 Application appears to be silent on this matter however it is not considered to be a completeness issue. This is more appropriately addressed by the County Commissioners as a possible part of the terms and conditions of any permit approval.

17.172.260 Appendix A – Criteria Guidance

This Section of the Regulations lists 25 guidance criteria that the County Commissioners may want addressed but these are not criteria that the project must satisfy. These are not considered to be completeness issues. However, the applicant should be aware that the County Commissioners may want some or all of these criteria addressed before any permit approval. It should be pointed out that the 1041 Application, DEIS and Technical Analysis Documents provide information on many of these criteria.

Please let me know if you have any questions or require clarification on anything contained in this letter.

Sincerely,

/s/

Paul T. Banks, Jr.