



Staff Comments

Southern Delivery System

1041 Application

December 9, 2008

Pueblo County 1041 Review Process

- ◆ Inclusive of 1041 and 1034 powers
- ◆ Not NEPA, not EIS
- ◆ Approval Criteria: 44 total
 - ◆ 15 Criteria under Chapter 17.164.030 (Domestic Water and Sewage, Storage)
 - ◆ 29 Criteria under Chapter 17.172.130 (Efficient Utilization of Municipal water)
 - ◆ Supplemental Guidelines (17.172.260)
 - ◆ See handout
- ◆ Applicant burden of proof
- ◆ Plan for Review of Staff Report
 - ◆ Quick review for all criteria
 - ◆ Highlight major issues

Criteria with General Agreement

- ◆ Criteria not associated with conditions/mitigation
- ◆ Staff Report not a limit on Board discretion
- ◆ Need for the Project [A, 27, 29]
- ◆ Other Permits/Approvals [O, 1]
- ◆ Applicant Expertise, Technical Feasibility [4, 5]
- ◆ Avoid Conflicting Service/Districts [F]
Note: Pueblo West scope
- ◆ Risk to Project from Natural Hazards [J, 6]
- ◆ Protect Archaeological/Paleontological Resources [22]
- ◆ Contain Hazardous Materials [23]

Criteria with Minor but Significant Issues

- ◆ Fact-finding judgment of Board
- ◆ Typically covered by mitigation
- ◆ Orderly Water and Sewer Development [B]
 - ◆ Need information on treatment capacity, raw water and wastewater
 - ◆ Mostly El Paso County issue
- ◆ Growth Compatible with Financial Capacity [C]
 - ◆ Large cost of project
 - ◆ Taxpayer and ratepayer climate
- ◆ Consistent with Adopted Plans [I, 3]
 - ◆ Recreation, water and environmental quality...
 - ◆ Conditions needed

Criteria with Minor but Significant Issues

- ◆ Best Alternative for Needed Water Supply [L]
 - ◆ Other options
 - ◆ Concerns with Flow Management Program
- ◆ Avoid Economic Impacts [M, 10]
 - ◆ Concerns enumerated in criteria
 - ◆ Conditions needed
- ◆ Respect Property Rights [2]
 - ◆ Direct take issues
 - ◆ Construction inconveniences
 - ◆ Use and enjoyment along Fountain Creek

Criteria with Minor but Significant Issues

- ◆ Avoid Undue Financial Burden [9]
 - ◆ Related to Criterion 2 – Impairment of Rights = Burden
 - ◆ Effect on Pueblo West
 - ◆ Effect on junior water users
- ◆ Efficiency and Conservation [12, 25]
 - ◆ Limited presentation in 1041 application
 - ◆ Generally improves water yield for participants
 - ◆ Goal: Eliminate waste

Criteria with Minor but Significant Issues

- ◆ Preserve Visual Quality [14]
 - ◆ Mostly underground/surface water
 - ◆ Juniper Pump Station and vicinity
- ◆ Ecological Effects
 - ◆ Wetland and Riparian Areas [17] – Fountain Creek fringe
 - ◆ Wildlife [18] - Fisheries
 - ◆ Plants [19] – Habitat on Walker Ranch
- ◆ Groundwater, Aquifer Recharge [16, 28]
 - ◆ Pumping effects
 - ◆ Limited analysis of recharge



Major Issues

- ◆ Typically Multiple Issues per Criterion
- ◆ Substantial Mitigation
- ◆ Some Further Study May Be Required



Major Issues

- ◆ Criterion G - Mitigation of Impacts
 - ◆ Requires Mitigation of Environmental Impacts
 - ◆ Agricultural Productivity
 - ◆ Aquatic Life
 - ◆ Water Quality
 - ◆ Water Quantities, Flow Conditions
 - ◆ “Unavoidable Impacts” in Application

Major Issues

- ◆ Criterion H and 24 – Cost / Benefit Justification
 - ◆ Requires Finding that Proposed Activity has “Value” & “Benefits to County
 - ◆ Must Account for Opportunity Costs, Demands on Resources
 - ◆ Reconciled With Conditions, Mitigation Package
- ◆ Criterion 8 – Prevent Interference with Local Government / Services
 - ◆ Roads
 - ◆ Joint Use Manifold Capacity
 - ◆ Emergencies (Construction)
 - ◆ Other Utilities In and Around Corridor



Major Issues



- ◆ Criterion 11 – Avoid Recreational Impacts
 - ◆ Note Cross-References to Other Criteria
 - ◆ Lake Pueblo
 - ◆ FMP / Downstream Arkansas Users
 - ◆ Fountain Creek Users

Major Issues

- ◆ Criterion 15 – Maintain Surface Water Quality
 - ◆ 1041 Standard: Project “Will Not Significantly Degrade Surface Water Quality”
 - ◆ Metals in Fountain Creek Watershed
 - ◆ Urbanization Effects
 - Flow Characteristics – Depth, Velocity
 - Wastewater Effluent – Nutrients
 - Non-Point Source – Nutrients, Bacteria, Metals
 - “Emerging Contaminants”
 - ◆ Potential For Backsliding

Major Issues

- ◆ Criterion 20 – Avoid Significant Erosion, Sedimentation, Flooding
 - ◆ 1041 Standard: “Project will not... cause significant erosion, sedimentation, flooding”
 - ◆ History of intense studies, but generalized findings concerning Pueblo County
 - ◆ Key points: Erosion and Sedimentation
 - Urbanization and “hungry river” effects
 - Fountain Creek not stable, disequilibrium
 - Trend: upstream erosion, downstream deposition
 - 1041 Record: Baseflow causes deposition in Pueblo County
 - Approximately 100 tons new deposition daily
 - Resolution of study and “sheet of paper” estimate
 - Accumulation of sediment in levee area as example
 - Differentiating peak flow sediment transport

Major Issues

- ◆ Criterion 20 – Avoid Significant Erosion, Sedimentation, Flooding
 - ◆ Key points: Flooding
 - Peak flow and major storms
 - Urban acceleration of runoff
 - Historical experience in Pueblo County
 - ◆ Levees and loss of capacity due to sediment
 - ◆ Structures vulnerable to smaller storms
 - Assumed effects of Colorado Springs Stormwater Enterprise
 - ◆ Conclusion: SDS contributes to erosion, sediment, flooding risks
 - Mitigation strategies studied by various agencies



Major Issues

- ◆ Criterion 26 – Excess Capacity
 - Redundancy
 - Pumping limits



Other Issues

- ◆ Not Necessarily Major Issues
- ◆ Record Sketchy on a Few Issues
- ◆ Wastewater
- ◆ Lands of Special Concern
- ◆ Outlet Works (feasibility / technical information)
- ◆ Conservation and Efficiency



Summary of Review Criteria



- ◆ Commendable Effort by Applicant
- ◆ Many Review Issues
- ◆ Need Directed Effort Toward Mitigation

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Mitigation Recommended

- ◆ Lake Pueblo water levels
- ◆ Structural integrity of dam
- ◆ Build North River outlet works
- ◆ Arkansas River flows below the dam
- ◆ Impacts to Fountain Creek
- ◆ Pipeline construction impacts
- ◆ Impacts to county roads
- ◆ Environmental and cultural resource impacts
- ◆ Property tax consequences
- ◆ Securing private property
- ◆ Preclusion of future parallel infrastructure in the SDS corridor

County Roads

- ◆ Excavation Permits
- ◆ Access Permits (onto a county road)
- ◆ Haul routes to state highway as shown
- ◆ Traffic control plan
- ◆ Intergovernmental agreement for reconstruction and maintenance
- ◆ Intergovernmental agreement for staging area use within the easement
- ◆ Stormwater management plans
- ◆ Blasting plan (if necessary)
- ◆ Drainage plan for blow-off valves
- ◆ No unreasonable prohibition of future roads and utilities across the easement
- ◆ Right to review Final Construction Plans

Other Recommendations

- ◆ Permit amendment if water goes to any entity other than the current participants
- ◆ Permit amendment if Lake Pueblo is enlarged
- ◆ Implement the project according to the plans
- ◆ Obtain flood hazard development permits
- ◆ Provide copies of all necessary permits
- ◆ Obtain approval of a use by review for new substation and power lines (if below 115kv)
- ◆ Execute and implement the programmatic agreement on cultural resources
- ◆ More detail on “Adaptive Management” plans

Enforcement

- ◆ Resolution with conditions
- ◆ Development agreement
- ◆ Intergovernmental agreement
- ◆ Combination of above
- ◆ Compliance reviews
- ◆ Financial warranty (e.g. for road work)