



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA NE
ALBUQUERQUE, NM 87109-3435

May 30, 2012

Regulatory Division

Mr. John A. Fredell
Program Director, Southern Delivery System
Colorado Springs Utilities
P. O. Box 1103
Colorado Springs, CO 80947-0930

RE: Colorado Springs 401 Certification Decision

Dear Mr. Fredell:

Thank you for your letter notifying me of the recent Pueblo County District Court decision regarding the Southern Delivery System Project (SDS Project). The case challenged the issuance of a Section 401 permit by the Colorado Water Quality Control Authority under the Clean Water Act. I understand the State of Colorado will file an appeal of the decision in the Colorado State Court of Appeals. The appellate process may take as long as a year or more.

The U.S. Corps of Engineers, Albuquerque District, (Corps) has issued a separate permit for the SDS Project pursuant to its authority under Section 404 of the Clean Water Act. This permit was not challenged in the State court action described above, and the Corps is not a party to the case. I have directed my Office of Counsel to closely monitor the State court proceedings. However, at this point, the Corps does not intend to take any action with respect to its Section 404 permit.

If you have any additional questions, please contact Mr. Allan Steinle, Chief, Regulatory Division, at (505) 342-3282.

Sincerely,

A handwritten signature in black ink, appearing to read "R. C. Collins", is written over the typed name.

Richard C. Collins
Lieutenant Colonel, U.S. Army
Acting Commander