



Colorado Springs Utilities

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DEPARTMENT OF PLANNING  
AND DEVELOPMENT

229 West 12th Street, Pueblo, CO 81003-2810~719-583-6100

July 12, 2013

July 11, 2013

Mike Collins, Area Manager  
US Bureau of Reclamation  
11056 W. County Rd 18E  
Loveland, CO 80537-9711

**2nd**

Re: ~~1st~~ **2nd** Quarter 2013 Compliance Matrix

Dear Mr. <sup>Mike</sup> Collins:

**second**

Attached please find a copy of the Southern Delivery System Compliance Matrix for the ~~first~~ **second** quarter of 2013. All updates are color-coded in blue. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Mark Pifher  
SDS Permitting Manager

Attachment

cc: Mike Ryan  
Anne Castle  
Joan Armstrong  
Carlie Ronca

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## Compliance Matrix

Permit:	Condition Reference	Condition	Current Status	Anticipated Completion	"Potential" Issue(s)
<b>1041 Permit</b>					
	5.2	Third Party (Participant) Requirements	No formal third party requests for contract to date, though Donala W&S District has initiated process leading to such request.	Life of project	None anticipated (must agree to permit terms); anticipated Donala will share concerns, should they arise.
	7	Wastewater System Expenditures (\$75M through 2024)	Approx. \$27.5M spent to date (annual budgets)	2024	Will meet with County to identify any additional needed documentation.
	9	Continuation of Flow Management Program	All Participants comply	Life of program	None
	10	Arkansas River Low Flow Program	MOU with PBWW complete, duty to provide storage pool when operational	2016-perpetuity	None
	11	Construction of NOW	MOU with PBWW on use of North and South Outlets: temporary operation agreement with BoR complete.	2013	None
	13	County Road Improvements and Restoration	Letter agreement May, 2012 for \$15M, periodic requests for road releases; \$10M paid to date; S1 and S2 roads released; maintenance obligation complete.	2014	None
	14	Cultural and Archeological Resource Protections	PA in place, provisions being followed	2013	None
	15	Acquisition of Real Property Interests	Acquire necessary parcels prior to construction, fair treatment of landowners; all Pueblo County parcels acquired.	2013	None
	16	Lake Level Management at Pueblo Reservoir	Participation with Bureau and Southeast in reservoir management plan; no management plan initiated by Bureau and Southeast to date	Unknown	Will discuss with Southeast need for Plan.
	18	Monitoring Program and Adaptive Management for Fountain Creek	Water quality and geomorphology monitoring programs in place, adaptive management approach.	Life of project	None
	19	Wastewater Collection System Management Practices	System improvements to prevent spills continue	Life of permit	None
	20	Construction Impact Mitigation	Ongoing construction mitigation activities	2015	None
	21	Juniper Pump Station Architectural Review	County participated in design and landscape review	Complete	None
	22	Reclamation of Disturbed Lands	Revegetate to 90% of pre-construction condition, post bond, segments in Pueblo County currently being revegetated; revegetation consultants retained by parties; protocol to evaluate 90% developed and finalized.	2015	Walker final grade concerns; additional contouring activities occurring on Walker property post-meetings with Walker and consultants.
	23	Stormwater Management	Maintaining regs intended to insure peak flows from new development associated with SDS no greater than existing conditions; new DCM to be adopted in as soon as receive CDPHE review response; watershed spin-off projects commencing in 2013; Phase II Regional Stormwater Steering Committee work (governance, funding options, independent capital project review) in progress; report out to Council and Commissioners this Fall; 2013 CSU/City spending at \$46M.	Life of permit	Compliance demonstration method, e.g., modeling, peak flow measurement metric.
	25	Compliance Monitoring and Reporting	Quarterly reports addressing permit terms and conditions being timely filed with County, annual reports once operational; all reports timely filed.	Life of permit	None



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<b>IAMP</b>					
	Sec 4.0 Step 1	Stakeholder Involvement	Complete	Life of Project	None
	Sec 6.0 Step 3	Management Actions	Management Actions in the IAMP are SDS Project mitigations committed to in the ROD; ongoing.	Life of Project	None
	Sec 7.0 Step 4	Water Quantity	On-going, compliance with several flow management programs.	Life of Project	None
	Sec 7.0 Step 4	Water Quality	On-going, monitoring for selenium, E. coli, ammonia, salinity and methyl mercury (Phase 2).	Life of Project	None
	Sec 7.0 Step 4	Geomorphology	On-going, cross section surveys by USGS.	Life of Project	None
	Sec 7.0 Step 4	Aquatic Life Impact Models	On-going, flow management, research, physical infrastructure and noxious weed management.	Life of Project	None
	Sec 9.0 Step 6	Decision Making based on monitoring results	Monitoring data being collected and analyzed; part of IAMP execution.	Life of Project	None
	Sec 9.0 Step 6	Water Quantity Monitoring	Monitor flow <u>after</u> project is operational; part of IAMP execution.	Life of Project	None
	Sec 9.0 Step 6	Water Quality Monitoring	Ongoing monitoring (determines if measured concentrations exceed statistical variation thresholds for the 4 constituents identified for 2 consecutive sampling periods <u>after</u> SDS operations have been initiated.); part of IAMP execution.	Life of Project	None
	Sec 9.0 Step 6	Geomorphology - DM	Survey data will be reviewed when either of the proposed water quantity thresholds are reached; part of IAMP execution.	Life of Project	None
	Sec 9.0 Step 6	Aquatic Life - DM	Aquatic life assessments will be reviewed <u>after</u> SDS operations begin. Low-flow level that falls out-of-range, changes in water quality constituents and other indicators of aquatic health that are out-of-range, Physical Infrastructure (No Monitoring required), Noxious weed management (first 5 years); part of IAMP execution.	Life of Project	None
	Sec 10.0 Step 7	Follow Up Monitoring	Adaptation of original monitoring based on findings; part of IAMP execution.	Life of Project	None
	Sec 11.0 Step 8	Post-Operational Assessment	Monitoring results to be assembled <u>after</u> operations begin and comparison made to thresholds; part of IAMP execution.	Life of Project	None
	Sec 12.0 Step 9	Iteration	Once operational, SDS will coordinate with BOR to determine appropriate response actions if triggered by monitoring and assessment; part of IAMP execution.	Life of Project	None

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<b>401 Certification</b>					
	Certification Statement, Bullet 1, p. 5	Incorporate water quality protection conditions and Intergovernmental Agreements by reference	All conditions and compliance being tracked and reported annually; 401 Certification challenge fully briefed before Colorado Court of Appeals; decision due soon.	Life of project	Nature of response if District Court decision not reversed.
	Certification Statement, Bullet 3, p. 5	Install up and down-gradient monitoring wells from Upper and Lower Williams Creek Reservoirs (3 and 5 respectively) to characterize Williams Creek drainage groundwater, including selenium concentrations. Follow the Integrated Adaptive Management Plan (IAMP) and Sampling Plan and implement mitigation if necessary.	The IAMP has been developed and approved. Groundwater monitoring wells will be installed following reservoir construction	Phase 2 following reservoir construction	None
	Certification Statement, Bullet 4, p. 6	Submit data collected as conditions of other commitments; submit commensurate with other reporting requirements	Water Quality data collection began in 2010 and was submitted in the 2011 Permit Compliance Annual Report.	Life of project	None
<b>404 Permit</b>					
		Authorization to undertake activity pursuant to Section 404 of the Clean Water Act with Limits of Authorization	Following conditions of the 404 Individual Permit for SDS, other permits, and authorizations	Life of project	None
	Further Information: Item 5, Reevaluation of Permit Decision, p. 4	Corps may reevaluate its decision on this permit at any time the circumstances warrant for reasons that include failure to comply with permit, application information proves false, incomplete, or inaccurate, or significant new information surfaces not previously considered	SDS has not encountered any circumstances that would trigger a reevaluation	Life of permit	Unknown information surfaces
	General Conditions Item 2, p. 2	Maintain authorized activity in conformance with terms and conditions of permit; to cease or abandon authorized activity requires a permit modification	SDS continues to comply with the terms and conditions of the permit for all activity to date; no transfer contemplated	Life of construction	None
	General Conditions Item 3, p. 2	Unanticipated cultural resource discoveries associated with the activities of permit require USACE notification (with federal and State coordination) for NRHP eligibility determination	SDS has met all Record of Decision criteria for cultural resource management and activity to date has not triggered new review	Life of construction	Unanticipated cultural resource discoveries associated with USACE jurisdiction
	General Conditions Item 4, p. 2	Sale of property associated with permit requires new owner signature to transfer authorization	SDS has no plans for any property sale or transfer associated with this permit	Life of construction	None
	General Conditions Item 6, p. 2	USACE inspectors must be allowed to inspect authorized activities	USACE inspected the North Outlet works and one permit site in 2012; additional sites to be inspected Q3, 2013.	Life of construction	None
	Special Conditions ¶1, p. 2	Permittee must agree to permit conditions and fully comply with all terms of the permit	SDS has complied with permit conditions to date	Life of construction	None
	Special Conditions Item 1, p. 2	Follow Compensatory Mitigation Plan for Jurisdictional Wetlands and monitor; mitigate as necessary	Compensatory wetlands construction done in 2011, monitored in 2012, Annual Report submitted to USACE. 2013 transect monitoring completed in June, to be reported in Annual Report by end of 2013.	Until wetlands meet Plan/permit conditions, estimated 2015	Drought conditions may impair wetland plant growth
	Special Conditions Item 10, p. 3	CDPHE 401 WQ Certification considered conditions of 404 permit	401 conditions noted and part of Integrated Adaptive Management Plan and associated Sampling Plan	Life of program	None
	Special Conditions Item 4, p. 3	Manage temporary impacts in waters of the US as required in 404 permit; follow NW 12 criteria for applicable impacts	SDS has mitigated most waters of the US impacts through avoidance; where unavoidable, construction specifications require contractors to follow NW 12 criteria	Life of construction	None
	Special Conditions Item 5, p. 3	Conduct open trenching in perennial, intermittent or ephemeral streams during low or no flow times as required	Contractors directed to meet construction schedule requirements consistent with 404 constraints	Life of construction	None
	Special Conditions Item 6, p. 3	Submit plan approved by USACE prior to any temporary disturbance specifying how disturbed areas associated with temporary impacts to waters of the US will be restored; pertains to the Chilcotte Ditch/Fountain Creek diversion, the Williams Creek Reservoir/Fountain Creek outfall and the raw water intake at the Pueblo Reservoir outfall site.	WUS Restoration Plan for the Pueblo Dam Connection approved by USACE November 2010; other applicable restoration plans will be prepared commensurate with future construction	Pueblo Dam Connection - complete; remaining sites Phase 2	None

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	Special Conditions Item 8, p. 3	Work in waters of the US must be reviewed by USACE prior to construction	SDS has consulted with USACE for waters of the US crossings, acquiring appropriate NW permits as needed	Life of construction	None
	Special Conditions Item 9, p. 3	USACE must review and approve Williams Creek outfall structure and Chilcotte Ditch intake structure	SDS will consult with USACE prior to finalizing design of said structures	Phase 2, reservoir design	None

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<b>Fish and Wildlife Mitigation Plan (FWMP)</b>					
	TABLE 1. Fisheries and Aquatic Habitat	Provide capital funds to construct warmwater hatchery ponds, and O&M funds for hatchery operations	Mitigation pending	Phase 2 -Post-SDS water delivery	None
	TABLE 1. Fisheries and Aquatic Habitat	Provide funding for habitat structure materials at Lake Henry, Lake Meredith and Pueblo Reservoir	Mitigation pending	Phase 2 -Post-SDS water delivery	None
	TABLE 1. Fisheries and Aquatic Habitat	Install fish screens at Lake Henry and walkway at Lake Meredith	Mitigation pending	2016	None
	TABLE 1. Fisheries and Aquatic Habitat	Fund research in Monument and Fountain Creeks for three yrs. prior to water delivery and one additional year following - scope defined by Colo. Parks and Wildlife	\$225,000 funding provided to Colorado Parks and Wildlife in October 2011 for research	Funding complete, research on-going	None
	TABLE 1. Benefits and Enhancements	Clear Spring Ranch and Williams Creek Reservoir (WCR) wildlife/hunting management	Coordination w/ Colorado Parks & Wildlife ongoing	2012 - 2016 and after construction of WCR	None
	TABLE 1. Benefits and Enhancements	Upper Williams Creek Reservoir (UWCR) wildlife, recreation and angling management	Coordination w/ Colorado Parks & Wildlife ongoing	After construction of UWCR	None
	TABLE 1. Benefits and Enhancements	Seek opportunities to preserve/develop Arkansas darter habitat along Fountain Creek	Will continue to participate in a cooperative venture, considering opportunities prior to Phase 2	Phase 2 -Post-SDS water delivery	None
	TABLE 2. Avoidance and Minimization	Route WCR return flows through a pipeline and relocate terminal storage to UWCR to avoid jurisdictional wetlands impacts on Williams Creek and Arkansas darter habitat	Current design of the return flow and UWCR relocation meet these requirements	After construction of WCR	None
	TABLE 2. Avoidance and Minimization	Realign Bradley Rd. to avoid impacts to nesting golden eagle pair	Will be managed during design	During design of UWCR	Land acquisition, Defense Access Road considerations
	TABLE 2. Avoidance and Minimization	Consider impacts to and avoidance of wetlands, grasslands, high quality shrublands, woodlands, etc. prior to final design.	On-going, ERO Resources conducts surveys prior to design and again prior to construction	2016	None
	TABLE 2. Avoidance and Minimization	Conduct wildlife surveys to minimize disturbance and/or temporarily restrict construction regarding sensitive habitat	On-going, ERO Resources conducts surveys prior to design and again prior to construction	2016	None
	Table 2. Fish and Wildlife Mitigation	Fisheries and Aquatic Habitat Flow Management - Upper Ark Voluntary Flow Mgmt Program, Pueblo Flow Mgmt Program, Ark River Low Flow Program	First two in place, third to begin when SDS delivers water	In perpetuity	Stakeholders in programs change
	Table 2. Fish and Wildlife Mitigation	Fountain Creek Mitigation - Provide monetary mitigation (\$50M) to the District for specific projects to improve water quality, flood control, or prevent erosion and sedimentation	Mitigation pending; substantial dialogue with County ongoing over appropriate interpretation of payment "indexing" permit provision; request from FCWFCD to make interest/index payments "up front".	5 annual installments after SDS water delivery to Colorado Springs	Pueblo West connection to SDS before 2016; how to handle FCWFCD request (discussion with County to occur).
	Table 2. Fish and Wildlife Mitigation	Monitor the effects of the operation of the project on aquatic life in Fountain Creek and the Arkansas River - includes aquatic sampling	Sampling initiated in 2012 by the USGS under a Joint Funding Agreement	Life of Program	None
	Table 2. Fish and Wildlife Mitigation	Potential future mussel control from Pueblo Reservoir if needed	Will be determined after SDS start-up	Life of Program	Conditions in the reservoir may change
	Table 2. Fish and Wildlife Mitigation	Vegetation and Wildlife commitments consistent with ROD and 1041 construction conditions and Division requirements	On-going, ERO Resources conducts surveys prior to design and again prior to construction	Life of Permit	None

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Permit:	Condition Reference	Condition	Current Status	Anticipated Completion	"Potential" Issue(s)
<b>Record of Decision (ROD)</b>					
	Environmental Commitments p. 11, ¶1	Submittal of a Permit Compliance Annual Report (PCAR)	Permit Compliance Annual Reports have been submitted for Calendar Years 2010, 2011 and 2012	Potentially life of program	None
	Environmental Commitments p. 11, ¶2	Obtain applicable federal, state and local permits, etc.	All program permits in place, specific construction permits obtained as needed	Complete	None
	Environmental Commitments p. 11, ¶3	Develop an Environmental Commitments Plan that includes monitoring and coordination of environmental commitments between Participants and responsible authorities	Plan submitted and approved prior to execution of contracts, March 2011	Complete	None
	General Commitments p. 12, Bullet 1	Comply with all applicable permits, regulations, and laws including but not limited to CDPHE, USCOE 404, and local land use permits	Permit Compliance Annual Reports demonstrating on-going compliance have been submitted for Calendar Years 2010, 2011 and 2012.	2016 for construction, on-going for operations	None
	General Commitments p. 12, Bullet 2	Construct and operate SDS in a manner that does not differ substantially from that evaluated in the FEIS	Requested and had approved seven minor modifications following same level of due diligence as original FEIS	Final completion of modifications in January 2013; operation to be consistent with FEIS	None
	General Commitments p. 12, Bullet 4	Develop an Integrated Adaptive Management Plan (IAMP)	Integrated Adaptive Management Plan was submitted and approved by Reclamation March 2011	Complete	None
	Surface Water p. 13, Bullet 2	Comply with the Pueblo Flow Management Program pursuant to existing intergovernmental agreements.	Compliant with PFMP since inception; ongoing.	Life of Project	None
	Surface Water p. 13, Bullet 3	Average annual Fountain Creek flow consultation w/ Reclamation; apply adaptive management as necessary	Stream flow monitored by USGS through Joint Funding Agreement, provided to Reclamation annually in PCAR	Life of Project	USGS gauge data occasionally unavailable for various reasons
	Water Quality p. 13, ¶1	Develop water quality monitoring and adaptive management per IAMP, submit data and trend analysis to Reclamation each year	Monitoring on-going in 2011 and 2012. Data submitted w/ PCARs. Data will be used for IAMP studies.	Life of Project	USGS WQ data points occasionally unavailable, e.g., field location or lab issues for a specific sample
	Water Quality p. 13, Bullet 4	CDPHE to determine if SDS operation causes significant adverse effects, mitigate per consultation w/ agencies, includes flow or contributions to elevated concentrations <i>E. coli</i> , sulfate or dissolved selenium	Evaluation to begin when SDS delivers water to Colorado Springs per IAMP	Life of project after SDS begins delivery of water to Colorado Springs	None
	Geomorphology p. 14, Bullet 1a	Submit a Geomorphic Mitigation Plan for Reclamation approval	Submitted and approved prior to execution of contracts, April 2011	Plan is complete, sampling has commenced by the USGS under the Joint Funding Agreement and will continue for life of project	Storm events could damage USGS control monitoring points
	Geomorphology p. 14, Bullet 1c	Consider strategies to increase sinuosity and reduce erosion and sedimentation along Fountain Creek	Project at Clear Spring Ranch being implemented; includes a realignment that will be constructed in fall/winter 2013; 90% design in place.	Spring 2015	Major storm event could damage mitigation before fully stabilized
	Geomorphology p. 14, Bullet 3	Construct energy dissipation structure to protect against erosion at outlet of pipeline from Williams Creek Reservoir	Current conceptual design includes this structure	Williams Creek Reservoir design, Phase 2	None
	Aquatic Life p. 15, Bullet 1	Submit Wildlife Mitigation Plan to the Colorado Wildlife Commission that includes mitigation measures to address stream flow impacts and impairment of aquatic life	Fish and Wildlife Mitigation Plan developed cooperatively with the agency, Memorandum of Agreement approved by the Colorado Department of Natural Resources, executed May 2010	Plan complete, mitigation measures on-going for life of program	Ability of Division of Parks and Wildlife to fully fund all MOA conditions.
	Participants' Commitments: Aquatic Life p. 15, Bullet 4	Monitor SDS operational effects upon aquatic life in Fountain Creek and the Arkansas River between Pueblo Dam and the Las Animas Gage once per year at up to 10 locations	Monitoring by USGS began in 2012, results will be included in PCAR	Life of program	None
	Wetlands, Waters, and Riparian Vegetation p. 15, Bullet 1	Minimize project's wetlands impacts, include considerations of wildlife; mitigate short-term effects and on-site disturbance	ERO Resources conducts field surveys of all areas prior to design, all construction follows USACE conditions for work through unavoidable areas	Through 2016	None

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Permit:	Condition Reference	Condition	Current Status	Anticipated Completion	"Potential" Issue(s)
<b>Record of Decision (ROD)</b>					
	Wetlands, Waters, and Riparian Vegetation p. 16, ¶1	Develop a Jurisdictional Wetlands Mitigation Plan to be approved by USACE and a Non-Jurisdictional Wetlands Mitigation Plan for approval by Reclamation	Design plans approved April 2011 by both respective agencies; jurisdictional wetlands constructed, monitoring on-going; non-jurisdictional wetland construction pending; ~3 acres included in Fountain Creek Realignment project.	Complete	None
	Vegetation p. 16, Bullet 2	Replace mature trees (diameter at breast height of 12 inches or greater) within construction areas	On-going with evaluation prior to design	2016	None
	Vegetation p. 16, Bullet 4	Manage vegetative species of concern, noxious weeds and revegetate with native seed mixes as required, consider wildlife habitat	Field surveys are conducted prior to construction to identify areas of concern for avoidance or mitigation; as of Q2 2013, 99% of the post-construction area available for restoration (approximately 594 acres) have been planted.	On-going through construction and afterward until conditions are met	Access to private properties to continue post-construction monitoring
	Wildlife p. 17, Bullet 3	Conduct wildlife, raptor, nesting bird and vegetation surveys, considering avoidance and mitigation prior to design and construction, follow all conditions applicable during construction	Field surveys conducted early in process to allow for design and construction mitigation; reports are provided to appropriate agencies; mitigation performed where impacts are unavoidable	2016	None
	Recreation p. 18, Bullet 1	Manage recreational trails as appropriate	Coordinated with Counties and municipal agencies to minimize construction impacts	2016	Unsupervised trails pose risk of trespass during construction
	Cultural Resources p. 19, ¶1	Manage cultural resources in accordance with all applicable regulations, include a Treatment Plan and follow all conditions in the Programmatic Agreement, includes consultation with Native American Tribes, ACHP and the SHPO	All cultural resources are cleared or mitigated prior to construction following the Programmatic Agreement (incl. all amendments), and the Treatment Plan, executed June 2011; construction specifications include requirements for addressing unanticipated discoveries during construction	2016	Unknown resources discovered during construction
	Socioeconomics and Land Use p. 19, Bullet 1	Acquire property and easements voluntarily to the maximum extent possible	Coordination with property owners is on-going and condemnation is exercised only as a last resort	2016	Property owners disagree on land values based on appraisals
	Socioeconomics and Land Use p. 19, Bullet 2	Develop a construction management plan to outline best management practices to minimize impacts; approval by Reclamation prior to construction.	A Socioeconomic Construction Management Plan was approved by Reclamation April 2011	2016	None
	Noise and Vibration p. 19, Bullet 1	Meet all state and local construction standards, e.g., noise levels, and permit requirements	Construction contracts require compliance with all specifications and applicable regulatory requirements based on location of construction; no exceedences.	2016	None
	Participants' Commitments: Visual Resources p. 20, ¶1	Minimize noise, air, visual and traffic impacts during construction and consider these impacts as part of design	Working with Counties on recontouring and vegetation; construction contractual requirements for air and noise; on-going inspections to ensure compliance	2016	None
	Participants' Commitments: Visual Resources p. 20, Bullet 4	Match architecture of surrounding structures for pump stations	Being incorporated in design and approved through land use criteria for each jurisdiction; pump station design approved by Building Department.	2015	None
	Participants' Commitments: Visual Resources p. 20, Bullet 5	Meet power line visual criteria	Being incorporated in design	2015	None
	Participants' Commitments: Traffic p. 21, Bullet 4	Manage access roads and haul routes and their use per state and local criteria	All local criteria are incorporated in construction specifications	2016	None
	Participants' Commitments: Soils p. 21, Bullet 6	To the extent practicable, avoid irrigated lands during final design; allow continued use of lands post-construction	On-going, consideration during design and construction	2016	None
	Participants' Commitments: Hazardous Materials p. 22, Bullet 1	Proper management, disposal and treatment of Solid and Hazardous Waste	Real estate transactions include review for Recognized Environmental Conditions, construction specifications include management and reporting requirements	2016	Unknown land conditions