



Colorado Springs Utilities

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1041 2008-002

March 18, 2011

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Subject: Southern Delivery System (SDS) Integrated Adaptive Management Plan (IAMP),
SDS Environmental Commitments Plan (ECP) and SDS Monitoring Plan

Ms. Gould:

Colorado Springs Utilities, the Southern Delivery System (SDS) Project Manager, is submitting the attached SDS Integrated Adaptive Management Plan, SDS Environmental Commitments Plan and SDS Monitoring Plan. The Record of Decision (ROD), GP-2009-01, approved March 20, 2009, requires submittal of these plans to the Bureau of Reclamation prior to finalization of contracts. The SDS IAMP provide a structured framework for decision making that can adjust SDS Project mitigations if outcomes from the proposed project mitigation measures are different than contemplated in the Final Environmental Impacts Statement. The Monitoring Plan provides a description of the various monitoring efforts that the SDS Project will implement as a part of mitigations for the SDS Project outlines the best management practices that will be used to minimize socioeconomic and land use impacts to properties surrounding the project. The SDS ECP provides a detailed and specific listing of the environmental commitments of the SDS Project for the seven programmatic permits/approvals and the intended actions for compliance of the commitments.

Please contact me at 719-668-8677, or Allison Mosser at 719-668-8667, with any questions regarding the attached document.

Sincerely,

Keith Riley

Southern Delivery System
Planning and Permitting Manager

Enclosures:

- Southern Delivery System Integrated Adaptive Management Plan (2)
- Southern Delivery System Environmental Commitments Plan (2)
- Southern Delivery System Monitoring Plan (2)

Southern Delivery System Environmental Commitments Plan

Prepared for:
Bureau of Reclamation

Submitted by:
**Colorado Springs Utilities, SDS Project Manager
on behalf of the SDS Participants**

March 18, 2011

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- 1-1 Southern Delivery System Project Plan

Attachments

- 1 Table of Commitments for the Record of Decision
- 2 Table of Commitments for the Clean Water Act Section 404 Individual Permit
- 3 Table of Commitments for the Clean Water Act Section 401 Certification
- 4 Table of Commitments for the Fish and Wildlife Mitigation Plan
- 5 Table of Commitments for the Pueblo County 1041 Permit
- 6 Table of Commitments for the El Paso County Approvals of Location
- 7 Table of Commitments for the Fountain Creek Watershed, Flood Control, and Greenway District Resolution 2010-01

Acronyms and Abbreviations

1041 Permit	Pueblo County 1041 Permit No. 2008-002
CDOW	Colorado Division of Wildlife
CDPHE	Colorado Department of Public Health and Environment
CWC	Colorado Wildlife Commission
CWCB	Colorado Water Conservation Board
District	Fountain Creek Watershed, Flood Control and Greenway District
ECP	Environmental Commitments Plan
EMS	Environmental Management System
FEIS	Final Environmental Impact Statement
FWMP	Fish and Wildlife Mitigation Plan
GMP	Geomorphic Mitigation Plan
IAMP	Integrated Adaptive Management Plan
mgd	million gallons per day
MP	Monitoring Plan
NEPA	National Environmental Policy Act
PDC	Pueblo Dam Connection
Reclamation	Bureau of Reclamation
ROD	Record of Decision
SCMP	Socioeconomic Construction Management Plan
SDS Participants	City of Colorado Springs, City of Fountain, Security Water District, and Pueblo West Metropolitan District
SDS Project	Southern Delivery System Project
USACE	United States Army Corps of Engineers
UWCR	Upper Williams Creek Reservoir
WTP	water treatment plant

Executive Summary

The Southern Delivery System Project (SDS Project) is a proposed regional water delivery system that will serve the City of Colorado Springs, City of Fountain, Security Water District, and Pueblo West Metropolitan District (collectively, the SDS Participants).

Purpose

The purpose of the SDS Environmental Commitments Plan (ECP) is to provide a detailed and specific listing of the environmental commitments of the SDS Project for the seven programmatic permits/approvals received to date for the SDS Project and plans for implementing these commitments.

Scope

This ECP addresses environmental commitments related to the following programmatic permits/approvals:

- Record of Decision (ROD)
- U.S. Army Corps of Engineers (USACE) 404 Individual Permit
- Colorado Department of Public Health and Environment (CDPHE) 401 Certification
- Fish and Wildlife Mitigation Plan (FWMP)
- Pueblo County 1041 Permit
- El Paso County Location Approvals
- Fountain Creek Watershed, Flood Control and Greenway District (District) resolution

Listing and Plan

A detailed and specific listing of the environmental commitments for the SDS Project for each of the seven programmatic permits or approvals was developed and is provided in a series of tables. These tables include a brief approach of the SDS Project's plan for the programmatic implementation of each of the environmental commitments listed.

Reporting

The SDS Project will provide an annual report summarizing the SDS Project's progress, which will be submitted to the Bureau of Reclamation (Reclamation) by June 30 of the subsequent year. This report will include a brief summary of compliance with the ECP.

Termination

The SDS ECP was developed prior to SDS Project contracts being executed. The ECP has been prepared to meet the requirements of the ROD. Commitments of the ECP are being tracked and coordinated through an Environmental Management System (EMS).

1.0 Introduction

1.1 Purpose

The purpose of the Southern Delivery System Project (SDS Project) Environmental Commitments Plan (ECP) is to provide a detailed and specific listing of the environmental commitments of the SDS Project for the seven programmatic permits/approvals received to date and plans for implementing these commitments.

This ECP has been prepared to be consistent with the requirements of the Bureau of Reclamation's (Reclamation) Record of Decision (ROD) (Reclamation 2009), and it addresses SDS Project commitments from the ROD and other permits issued by agencies having jurisdiction over the SDS Project. The SDS ECP was developed in addition to the SDS Integrated Adaptive Management Plan (IAMP), the SDS Monitoring Plan (MP), SDS Geomorphic Mitigation Plan (GMP), and the SDS Socioeconomic Construction Management Plan (SCMP) (Colorado Springs Utilities 2011a, 2011b, 2011c, and 2011d).

1.2 Southern Delivery System Project Overview

The SDS Project is a proposed regional water delivery project that will serve the City of Colorado Springs, City of Fountain, Security Water District, and Pueblo West Metropolitan District (collectively, the SDS Participants).

The first phase of the SDS Project includes construction of the following facilities:

- A 53-mile raw water pipeline (66- and 72-inch diameter)
- Two 78-million-gallon-per-day (mgd) raw water pump stations and one 50-mgd raw water pump station (expandable in Phase 2)
- A water treatment plant (WTP) with a capacity of 50 mgd (expandable in Phase 2)
- Nine miles of 24- to 54-inch-diameter finished water pipelines

Phase 2 of the SDS Project includes the following:

- A 30,500 acre-feet terminal storage reservoir on upper Williams Creek, called Upper Williams Creek Reservoir (UWCR)
- Expansion of the 50-mgd raw water pump station and WTP to 100-mgd capacity
- Expansion of the treated water delivery system
- A 28,000 acre-feet exchange storage reservoir on Williams Creek and exchange conveyance facilities to transfer exchange water to and from Fountain Creek

The SDS Project facilities are shown on Figure 1-1.

FIGURE 1-1
Southern Delivery System Project Plan

1.3 Southern Delivery System Project Regulatory Review Process

The SDS Project has undergone, and continues to undergo, significant regulatory oversight at the federal, state, and local levels. At the federal level, Reclamation has performed extensive and detailed environmental studies as a part of the National Environmental Policy Act (NEPA) process, the culmination of which was a Final Environmental Impact Statement (FEIS) and ROD.

The ROD for the SDS Project was issued on March 20, 2009. It identified the SDS Project shown in Figure 1-1 as the Preferred Alternative. The SDS Project has been determined to cause “the least damage to the biological and physical environment” (Reclamation 2009). The ROD included extensive commitments by the SDS Participants to significant, long-term mitigation measures.

The SDS Project will cross wetlands and other waters of the United States. Activities that are a part of the SDS Project require a permit from the United States Army Corps of Engineers (USACE) under the dredged and fill material permit program established under Section 404 of the federal Clean Water Act. The SDS Project will result in permanent impacts to 0.23 acres of jurisdictional wetlands. It will also create permanent impacts to another estimated 12.0 acres of non-jurisdictional wetlands. A Section 404 Permit has been obtained for the SDS Project. Colorado Springs Utilities will define the wetlands that will be created as compensatory mitigation for the Section 404 Permit and provide copies of the mitigation to Fountain Creek Watershed, Flood Control, and Greenway District (District), for review.

At the state level, the SDS Project has received a 401 Certification from the Colorado Department of Public Health and Environment (CDPHE) in conjunction with its USACE Section 404 Permit as required by Section 401 of the Clean Water Act. The Colorado Division of Wildlife (CDOW) has also reviewed the SDS Project documents, and an SDS Fish and Wildlife Mitigation Plan (FWMP) has been prepared collaboratively with CDOW staff. This Plan has been approved by both the Colorado Wildlife Commission (CWC) and the Colorado Water Conservation Board (CWCB) (Colorado Springs Utilities, City of Fountain, Security Water District, Pueblo West Metropolitan District, and Colorado Division of Wildlife 2010a).

At the county and city levels, the SDS Project is subject to a variety of regulatory reviews and associated mitigations, including the Pueblo County 1041 Permit (No. 2008-002), El Paso County Location Approval, and review by the Fountain Creek Watershed, Flood Control, and Greenway District (District). The 1041 Permit conditions include comprehensive and extensive mitigation requirements, which are detailed in the SDS 1041 Permit Terms and Conditions approved by the Pueblo Board of County Commissioners on March 18, 2009.

1.4 Regulatory Requirements

1.4.1 Record of Decision

The ROD for the SDS Project lists the following requirement that an ECP be prepared:

“Comprehensive monitoring of the implementation of Participants’ environmental commitments for the SDS Project will be coordinated between Reclamation, the Project Participants, and authorities responsible for these additional, separate permits, approvals, and agreements. This monitoring and coordination is intended to avoid redundant, inconsistent, or ineffective environmental commitments for the SDS Project. A detailed and specific list of environmental commitments and plan for their implementation will emerge from this coordination process.”

“The timing of this process is important. Coordination of implementation of the environmental commitment plan will occur prior to executing any contracts for the SDS Project” (Reclamation 2009).

1.5 Environmental Commitments Plan Scope

This ECP addresses environmental commitments related to the following programmatic permits/approvals:

- Record of Decision (ROD) – Bureau of Reclamation
- Clean Water Act Section 404 Individual Permit – United States Army Corps of Engineers
- Clean Water Act Section 401 Certification – Colorado Department of Public Health and Environment
- Fish and Wildlife Mitigation Plan (FWMP) – Colorado Division of Wildlife
- Pueblo County 1041 Permit (No. 2008-002) – Pueblo County, Colorado
- El Paso County Location Approvals – El Paso County, Colorado
- Fountain Creek Watershed, Flood Control, and Greenway District Resolution 2010-01 – Fountain Creek Watershed, Flood Control and Greenway District, Colorado

1.6 SDS Participant Information

Contact details for the SDS Participants and their authorized agent are as follows.

1.6.1 SDS Participants

Colorado Springs Utilities
(Project Manager on behalf of SDS Participants)

Contact: John Fredell, Program Director
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121 S. Tejon, MC930
Colorado Springs, CO 80947
Phone: (719) 668-8037; Fax: (719) 668-8734
E-mail: jfredell@csu.org

Security Water District (Participant)

Contact: Roy Heald, District Manager
231 Security Blvd.
Security, CO 80911
Phone: (719) 392-3475; Fax: (719) 390-7252
E-mail: r.heald@securitywsd.com

City of Fountain (Participant)

Contact: Larry Patterson, Director of Utilities
116 S. Main St.
Fountain, CO 80817
Phone: (719) 322-2076; Fax: (719) 391-0463
E-mail: lpatterson@fountaincolorado.org

Pueblo West Metropolitan District (Participant)

Contact: Steve Harrison, Utilities Director
109 E. Industrial Blvd.
Pueblo West, CO 80017
Phone: (719) 547-3554; Fax: (719) 547-2833
E-mail: sharrison@pmwd-co.us

1.6.2 ECP Preparer

Contact: Bruce Spiller, P.E.
CH2M HILL, Inc.
90 S. Cascade Ave., Suite 700
Colorado Springs, CO 80903
Phone: (719) 477-4914; Fax: (719) 634-9954
E-mail: bruce.spiller@ch2m.com

2.0 Listing of Environmental Commitments of the SDS Project

A detailed and specific listing of the environmental commitments for the SDS Project for each of the seven programmatic permits or approvals received by the SDS Project to date is provided in tables included in the following attachments to this ECP:

- Attachment 1 – Table of Commitments for the Record of Decision
- Attachment 2 – Table of Commitments for the Clean Water Act Section 404 Individual Permit
- Attachment 3 – Table of Commitments for the Clean Water Act Section 401 Certification
- Attachment 4 – Table of Commitments for the Fish and Wildlife Mitigation Plan
- Attachment 5 – Table of Commitments for the Pueblo County 1041 Permit
- Attachment 6 – Table of Commitments for the El Paso County Location Approvals (six total)
- Attachment 7 – Table of Commitments for the Fountain Creek Watershed, Flood Control and Greenway District Resolution 2010-01

3.0 Plans for Implementing Environmental Commitments

A summary of the SDS Project's plan for the programmatic implementation of each of the environmental commitments listed for the seven permits or approvals are provided in the tables included as the attachments to this ECP described in Section 2.0 above. These tables contain:

- A listing of the environmental commitments for the SDS Project (columns 1 and 2)
- A description of the approach the SDS Project is taking for compliance (column 3)
- The phase of the SDS Project when the compliance action will be taken (column 4).

In general, the compliance action indicated in the tables falls into one of the following five categories:

- **Noted:** The environmental commitment listed will be complied with.
- **Will Include in Design, Drawings, and Specifications:** The environmental commitment listed will be complied with by including relevant requirements in the drawings and specifications for the SDS Project.
- **Will Follow the Named Plan:** The environmental commitment listed will be complied with using methods described in more detail in the referenced SDS Project Plan(s).
- **Future Submittal for Agency Approval:** The environmental commitment listed will be complied with via a future submittal to the appropriate agency.
- **Owner:** Colorado Springs Utilities will manage compliance of the commitment.
- **Completed:** The compliance action is complete.

In general, the phase of implementation of the compliance action indicated in the tables falls into one of the following four phases:

- **Design/Pre-Construction:** The environmental commitment listed will be complied with prior to or during the period when the engineering design and pre-construction activities are taking place.
- **Construction:** The environmental commitment listed will be complied with during the construction phase.
- **Post-Construction/Operation:** The environmental commitment listed will be complied with following the completion of construction and/or during operation of the SDS Project.
- **Ongoing:** Compliance with the environmental commitment is, or will be, ongoing.

The phase indicated in the tables applies to both Phases 1 and 2 of the SDS Project, unless otherwise noted. Attachments 1 - 7, the Tables of Commitments, are summaries of requirements from the seven SDS permits and approvals and provide implementation details but do not modify said requirements.

4.0 Tracking, Monitoring, and Reporting Processes

The tables included in the attachments listed in Section 2.0 of this SDS ECP do not include monitoring or tracking components for the environmental commitments. Colorado Springs Utilities, the Project Manager, will develop an Environmental Management System (EMS) for monitoring and tracking compliance.

The EMS and monitoring of the SDS Project's environmental commitments will be structured to avoid redundant, inconsistent, or ineffective environmental commitments for the SDS Project. Colorado Springs Utilities will report on its compliance with the requirements of the ROD via an annual report submitted to Reclamation by June 30 of the subsequent year. This report will include a summary of compliance with environmental commitments.

5.0 Termination

The SDS ECP was developed prior to SDS Project contracts being executed. The ECP has been prepared to meet the requirements of the ROD. Commitments of the ECP are being tracked and coordinated through an Environmental Management System (EMS).

6.0 References

- Bureau of Reclamation. 2009. Record of Decision for the Southern Delivery System Project Final Environmental Impact Statement. Record of Decision Reference No. GP-2009-01.
- Colorado Springs Utilities, City of Fountain, Security Water District, Pueblo West Metropolitan District, and Colorado Division of Wildlife. 2010. Southern Delivery System Fish and Wildlife Mitigation Plan. March 11.
- Colorado Springs Utilities. 2011a. Southern Delivery System Integrated Adaptive Management Plan. March.
- Colorado Springs Utilities. 2011b. Southern Delivery System Monitoring Plan. March.
- Colorado Springs Utilities. 2011c. Southern Delivery System Draft Geomorphic Mitigation Plan. March.
- Colorado Springs Utilities. 2011d. Southern Delivery System Socioeconomic Construction Management Plan. March.
- Pueblo County. 2009. 1041 Permit No. 2008-002. The Board of County Commissioners of Pueblo County Colorado; A Resolution Approving 1041 Permit No. 2008-002 With Terms and Conditions for Construction and Use of a Municipal Water Project Known as the Southern Delivery System within Pueblo County, Colorado. April 21.

ATTACHMENT 1

Table of Commitments for the Record of Decision

**Southern Delivery System
Environmental Commitments Plan
ATTACHMENT 1**

Table of Commitments for the Record of Decision (ROD)

Notes:

Subheaders and conditions listed are provided verbatim from the permit/approval document

Reference Section	ROD Condition		Programmatic Implementation Plan	
	Commitment		Compliance Approach	Phase
Environmental Commitments				
p. 11, ¶1	Such contracts will, at a minimum, include a requirement for the Project Participants to submit to Reclamation an annual compliance report that certifies progress in successfully implementing these commitments in a timely manner as prescribed in this ROD and any contracts.	Noted		Ongoing
p. 11, ¶2	The Participants must obtain other significant Federal, State, and local permits, approvals, and agreements for the SDS Project.	Noted		Design/Pre-Construction
p. 11, ¶3	A detailed and specific list of environmental commitments and plan for their implementation will emerge from this coordination process. The timing of this process is important. Coordination of implementation of the environmental commitment plan will occur prior to executing any contracts for the SDS Project.	This document fulfills this commitment.		Design/Pre-Construction
Participants' Commitments: 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 obtained for the SDS Project.	Noted		Ongoing
p. 12, Bullet 2	Construct and operate the SDS Project in a manner that does not differ substantially from that evaluated in this FEIS, except under emergency conditions, and unless additional and appropriate environmental investigations are completed by Reclamation and approval is then given to Participants to alter construction or operation of the SDS Project.	Noted		Ongoing
p. 12, Bullet 3	Develop and implement a head pressure monitoring program on the Joint Use Manifold to isolate effects attributable to the SDS Project and to mitigate those effects if they were to occur. This program will be developed over a 3-year period from the date that water is first delivered from the Joint Use Manifold for the SDS project. Development of the monitoring program will include involvement of all other Joint Use Manifold users.	There is no current plan to use the Joint Use Manifold. Water deliveries will be performed through the North Outlet Works.		N/A
p. 12, Bullet 4	Develop an integrated adaptive management program for the project that will be coordinated with the Participants' existing monitoring programs and the Environmental Management System discussed in Appendix F of the FEIS. The integrated adaptive management program will be finalized prior to executing any contracts for the SDS project.	The Integrated Adaptive Management Plan (IAMP) has been developed and will be submitted to Reclamation with all required documents.		Before contracts
Participants' Commitments: Surface Water				
p. 12, Bullet 1	Comply with the Upper Arkansas Voluntary Flow Management Program except during emergency conditions as defined in Section 2.b. of the Memorandum Of Understanding for Settlement of Case No. 04CW129, Water Division 2 (Chaffee County Recreation In-Channel Diversion)	Will follow the Upper Arkansas Voluntary Flow Management Program		Ongoing
p. 13, Bullet 2	Comply with the Pueblo Flow Management Program pursuant to existing intergovernmental agreements. If Reclamation and the Participants receive credible information that project operations are impairing physical diversion of a senior water right, contrary to Colorado water law, the Participants will immediately initiate discussions among the parties, including the party alleging the impairment of Reclamation, to develop a solution and remedy the impairment in compliance with Colorado water law.	Will follow the Pueblo Flow Management Program.		Ongoing
p. 13, Bullet 3	Participants will consult with Reclamation each year on the average annual flow in Fountain Creek. If the average annual stream flow of Fountain Creek as measured at Pueblo (USGS gauge station number 0710565000 exceeds the scope and range of the flow estimated and analyzed in the Final Environmental Impact Statement (see Table 33 of the FEIS), then Participants will coordinate with Reclamation, within their adaptive management plan, to evaluate the cause(s) for the change in flows and determine whether appropriate response actions, such as monitoring and/or mitigation measures, are warranted. Each year, Participants will report to Reclamation the average annual flow in Fountain Creek at Pueblo together with other relevant data.	Will follow the IAMP		Ongoing
p. 13, ¶1	Surface water mitigation measures will resolve adverse effects to physical diversions of senior water rights.	Noted		Ongoing
Participants' Commitments: Water Quality				
p. 13, Bullet 1	Include water quality monitoring and adaptive management within the integrated adaptive management program (see Participants' General Commitments)	Will follow the Monitoring Plan and IAMP		Construction
p. 13, Bullet 2	Begin implementing water quality monitoring when construction of the project begins. This will allow about three years of baseline data to be collected before project operations begin.	Will follow the Monitoring Plan		Construction
p. 13, Bullet 3	Submit water quality monitoring data, including trend analyses, for the preceding calendar year to Reclamation by January 31st of the subsequent year	Will follow the Monitoring Plan and IAMP		Construction
p. 13, Bullet 4	If the Colorado Department of Public Health and Environment (CDPHE) determines that operation of the SDS Project is causing significant adverse water quality effects, the Participants will coordinate with Reclamation, CDPHE, and other interested parties to evaluate and select measures to mitigate adverse effects.	Will follow the Monitoring Plan and IAMP		Post-Construction/Operation
p. 13, Bullet 5	In the event that operation of the SDS Project causes, or threatens to cause, stream flows in the Arkansas River or other waterways to diminish to low levels that will contribute significantly to elevated concentrations/densities of dissolved selenium, <i>E. coli</i> , or sulfate, the Participants will coordinate with Reclamation, CDPHE, CDOW, and other interested parties to evaluate and select measures to mitigate adverse effects.	Will follow the Monitoring Plan and IAMP		Post-Construction/Operation
p. 13, ¶1	Development and implementation of a water quality monitoring and adaptive management plan will provide a means of detecting changes in water quality, judging whether they are likely caused by operation of the SDS Project, and addressing actual effects in a systematic manner. Additionally, implementation of the geomorphology mitigation measures (below) will reduce suspended sediment and total recoverable iron concentrations in Fountain Creek and the lower Arkansas River.	Will follow the Monitoring Plan, IAMP and Geomorphic Plan.		Post-Construction/Operation
Participants' Commitments: Geomorphology				
p. 14, Bullet 1	Prepare a geomorphic mitigation plan and secure Reclamation approval prior to executing any contracts for the SDS Project. This plan could include, but is not limited to: <ul style="list-style-type: none"> • Evaluate and consider strategies to remove sediments that reduce the effectiveness of Corps levees located near Fountain Creek at its confluence with the Arkansas River • Evaluate and consider strategies to increase the sinuosity of Fountain Creek at appropriate locations in order to reduce undesirable erosion and sedimentation • Evaluate and consider strategies at appropriate locations along Fountain Creek to reduce undesirable erosion and sedimentation • Select geomorphic mitigation measures for SDS Project effects that are, to the extent practicable, consistent with priority projects identified in the Corps of Engineers' Fountain Creek Watershed Study and the Fountain Creek Corridor Master Plan. Locations where geomorphic mitigation projects could occur include, but are not limited to: <ul style="list-style-type: none"> • Fountain Creek at the Clear Spring Ranch site, directly upstream and downstream of the confluence of Little Fountain Creek and Fountain Creek (approximately 4 miles) • Fountain Creek from upstream of Fountain Boulevard to upstream of Colorado 85/87 at the Sand Creek confluence (approximately 3 miles) 	The Geomorphic Mitigation Plan has been developed and will be submitted to Reclamation.		Design/Pre-Construction

ROD Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
p. 14, Bullet 2	Complete pre-project geomorphic mitigation, including channel stabilization projects and non-structural options such as conservation easements, before the project is operational. Channel stabilization could include, but is not limited to, increasing stream sinuosity, flattening of steep side slopes, installation of grade control structures and use of buried riprap, erosion blankets, and/or vegetative cover for channel stabilization in areas of high and/or erosive velocities.	Noted	Design/Pre-Construction and Construction
p. 14, Bullet 3	Design and construct an energy dissipation structure that will protect against erosion at the outlet of the pipeline from Williams Creek Reservoir to Fountain Creek.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
p. 14, Bullet 4	Evaluate and implement appropriate future geomorphic stabilization projects, if such future projects are determined to be necessary after the project is operational.	Will follow the Geomorphic Mitigation Plan	Post-Construction/Operation
p. 14, ¶1	When implemented, these recommendations will mitigate potential adverse effects on geomorphology by avoiding or minimizing effects of return flow discharges through an energy dissipation structure, compensating for anticipated effects, and responding to effects identified after project operations begin.	Will follow the Geomorphic Mitigation Plan	Ongoing
Participants' Commitments: Aquatic Life			
p. 15, Bullet 1	Submit a proposed wildlife mitigation plan to the Colorado Wildlife Commission (Wildlife Commission) pursuant to C.R.S. 37-60-122.2. This proposal will include actions the Participants propose to mitigate impacts that the SDS Project may have on fish and wildlife. As required by that statute, the Wildlife Commission will evaluate the probable impact of the project on fish and wildlife and, if the Participants and Wildlife Commission cannot agree upon reasonable mitigation, the Wildlife Commission will make recommendations to the Colorado Water Conservation Board (CWCB) regarding what it believes to be reasonable mitigation actions. If the Participants and the Wildlife Commission agree on a mitigation plan, the Wildlife Commission will submit that agreement to the CWCB, which must adopt the agreement as the state's official position. If the Participants and the Wildlife Commission do not reach agreement on a mitigation plan, the CWCB will consider the plan submitted by the Participants and the recommendations of the Wildlife Commission, which then becomes the State's official position, or submit its own recommendations to the Governor, who will ultimately determine the state's official position on the proposed wildlife mitigation plan.	Completed - The Memorandum of Agreement between the Colorado Springs Utilities and the Colorado Department of Natural Resources, on behalf of the Colorado Division of Wildlife, which adopted the Fish and Wildlife Mitigation Plan is dated May 18, 2010.	Design/Pre-Construction
p. 15, Bullet 2	In the event that the operation of the SDS Project causes, or threatens to cause, stream flows in Fountain Creek or the Arkansas River to diminish to low levels that could contribute significantly to impairment of aquatic life, coordinate with Reclamation, CDPHE, CDOW and other interested parties to evaluate and select measures to mitigate adverse effects.	Will follow the IAMP	Ongoing
p. 15, Bullet 3	Evaluate and consider participation in CDOW fish hatchery programs.	Will follow the Fish and Wildlife Mitigation Plan	Design/Pre-Construction (Phase 1)
p. 15, Bullet 4	Monitor the effects of the operation of the SDS Project upon aquatic life in Fountain Creek and the Arkansas River between Pueblo Dam and the Las Animas Gage. Aquatic sampling will be conducted once per year at up to 10 locations. Monitoring methods and locations will be identified in the proposed wildlife mitigation plan that will be submitted to the Colorado Wildlife Commission pursuant to C.R.S. 37-60-122.2. Use the information from this monitoring in the adaptive management program for the SDS Project.	Will follow the Monitoring Plan, Fish and Wildlife Mitigation Plan, and IAMP.	Post-Construction/Operation
p. 15, ¶1	When implemented, these recommendations will mitigate potential adverse effects on aquatic life by avoiding or minimizing effects, compensating for anticipated effects, and detecting and responding to effects identified after project operations begin.	Will follow the IAMP	Ongoing
Participants' Commitments: Wetlands, Waters, and Riparian Vegetation			
p. 15, Bullet 1	Design final alignments and facilities to avoid and minimize wetland impacts.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 15, Bullet 2	Assess alternative construction methods for pipeline crossings (i.e., directional drilling v. open cut) to minimize wetland and stream impacts	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 16, Bullet 3	Mitigate impacts to jurisdictional and non-jurisdictional wetlands in areas of temporary, short-term effects such as pipeline crossings, on-site at the place of disturbance with similar wetlands and soils to replace existing wetland functions and values	Will follow the 404 Compensatory Mitigation Plan	Design/Pre-Construction
p. 16, Bullet 4	Mitigate all unavoidable, permanent impacts to jurisdictional and non-jurisdictional wetlands with compensatory wetlands that replace existing wetland functions and values. Compensatory wetland mitigation will likely occur at the Clear Spring Ranch site on Fountain Creek downstream of the City of Fountain.	Will follow the 404 Compensatory Mitigation Plan	Design/Pre-Construction/Construction
p. 16, Bullet 5	Control Tamarisk that may establish around newly constructed reservoirs.	Noted	Post-Construction/Operation (Phase 2)
p. 16, Bullet 6	Evaluate and consider a strategy to increase the sinuosity of Fountain Creek at appropriate locations in order to create wetlands areas.	Noted	Design/Pre-Construction/Construction
p. 16, Bullet 7	Evaluate and consider the construction and maintenance of new areas of wetlands along Fountain Creek in order to participate in wetlands banking programs. Evaluate and consider cooperation with Colorado agencies to expand such a wetlands creation process	Noted	Design/Pre-Construction
p. 16, ¶1	Mitigation plans for jurisdictional and non-jurisdictional wetlands will be submitted for approval by the Corps of Engineers and Reclamation, respectively. All design and planning measures for wetlands, waters, and riparian vegetation will be completed before any contracts for the SDS Project.	The SDS Participants procured engineering design services for the compensatory wetland mitigation project at the Clear Spring Ranch site in late 2010. The SDS Participants anticipate presenting the final design for Reclamation and USACE review and approval in early 2011.	Ongoing
p. 16, ¶2	By reviewing the location of wetlands during final design, effects on wetlands can be avoided and minimized. Specifically, the pipeline construction corridors through wetlands will be reduced to the minimum width practicable. Similarly, construction methods that do not involve trenching through a wetland will avoid impacts. Wetlands mitigated in place and off-site will replace affected wetlands on a 1:1 ratio and will provide similar functions and values. The 404 permitting process is ongoing and the final off-site mitigation ration for jurisdictional wetlands for the 404 permit has not yet been determined.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction/Construction
Participants' Commitments: Vegetation			
p. 16, Bullet 1	Prior to final design, review locations of Needle and Thread grass -Blue Grama Grasslands, high quality shrublands and woodlands, and other areas with desirable vegetation to determine design changes within the current study area that will avoid and minimize impacts	Noted	Design/Pre-Construction
p. 16, Bullet 2	Replace mature trees (diameter at breast height of 12 inches or greater) within construction areas at a 1:1 ratio with the same or similar native species with available nursery container stock or pole plantings as soon as practicable after construction activities have ended	Will include in Design, Drawings, and Specifications	Construction
p. 16, Bullet 3	For 1 year after construction, monitor the construction areas to determine if appropriate native vegetation is establishing. If native vegetation is not establishing, the site will be reseeded with appropriate species.	Will include in Design, Drawings, and Specifications	Post-Construction/Operation
p. 16, Bullet 4	In the appropriate season prior to construction, survey potential construction areas with known populations of dwarf milkweed and other plant species of concern, to locate areas where impacts can be avoided and minimized to the extent practicable with design changes within the current study area. After identifying populations to avoid, mark populations within or nearby the construction easement as environmentally sensitive so that workers avoid inadvertent impacts.	Noted	Design/Pre-Construction
p. 17, Bullet 5	During construction, wash major construction equipment before it enters the site so that noxious weeds are not spread from other construction sites	Will include in Design, Drawings, and Specifications	Construction
p. 17, Bullet 6	Use certified weed-free mulch after seeding construction areas	Will include in Design, Drawings, and Specifications	Construction

ROD Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
p. 17, Bullet 7	Reseed construction areas with comparable native vegetation as soon as practicable after disturbance, using seed that does not contain any noxious weed seed.	Will include in Design, Drawings, and Specifications	Construction
p. 17, Bullet 8	Monitor construction areas for 3 years after construction to assess if noxious weeds have invaded the site. If noxious weeds are present, weed control plans will be formulated and completed.	Noted	Post-Construction/Operation
p. 17, Bullet 9	Because the project may indirectly increase the spread of tamarisk, the Participants will work with the Colorado Department of Agriculture's Colorado Noxious Weed Management Team on tamarisk issues in the Arkansas Valley including submitting a request for partnership evaluation.	Noted	Ongoing
p. 17, ¶1	Impacts to plant species and communities of concern and other sensitive vegetation areas can be avoided and minimized during final design and implementation. Because mitigation measures such as transplanting of individuals are often unsuccessful, avoidance and minimization will ensure survival, especially of plant species of concern. Seeding disturbed areas, replacing mature trees, and controlling noxious weeds will replace existing vegetation types and structural diversity and will ensure that high quality habitat remained.	Noted	Ongoing
Participants' Commitments: Wildlife			
p. 17, Bullet 1	Submit a proposed wildlife mitigation plan to Colorado Wildlife Commission pursuant to C.R.S. 37-60-1212.2 as described above.	Completed - The Memorandum of Agreement between Colorado Springs Utilities and the Colorado Department of Natural Resources, on behalf of the Colorado Division of Wildlife, which adopted the Fish and Wildlife Mitigation Plan is dated May 18, 2010.	Design/Pre-Construction
p. 17, Bullet 2	Promptly revegetate all disturbed areas with native species that provide species diversity and food and cover for large game and wildlife habitat	Will include in Design, Drawings, and Specifications	Construction
p. 17, Bullet 3	Conduct clearance surveys in suitable habitat for state-listed species following standard protocols, as available, prior to construction (e.g., CDOW undated)	Owner	Design/Pre-Construction
p. 17, Bullet 4	Conduct raptor nest surveys prior to construction and impose seasonal restrictions to surface activity within recommended buffers (generally 1/4 to 1/2 mile) around active raptor nest sites and heron rookeries during construction	Owner	Design/Pre-Construction
p. 17, Bullet 5	Consult with CDOW and U.S. Fish and Wildlife Services' Migratory Permit Bird Office to develop mitigation for unavoidable loss of raptor nests. Options may include constructing artificial nests in suitable habitat or enhancing prey habitat	Owner	Design/Pre-Construction
p. 17, Bullet 6	Develop construction schedules to avoid impacts to nesting migratory birds. If construction is scheduled to occur during the nesting season (April 1 through August 31) in areas where migratory birds may nest, a qualified biologist will conduct a nesting bird survey prior to the commencement of construction activities to determine the presence of migratory birds and their nests. If an active nest is detected, a buffer zone between the nest and the limit of construction will be flagged and avoided during the nesting season, or construction will be scheduled outside of the nesting season.	Owner	Design/Pre-Construction
p. 18, Bullet 7	Conduct pre-construction surveys for swift fox den sites within appropriate habitat along the pipeline corridor and proposed reservoir sites. Avoid surface disturbance within 1/4 mile of active den sites while young are den-dependent (March 15 -June 15)	Owner	Design/Pre-Construction
p. 18, Bullet 8	Restrict pesticides for rodent control within swift fox overall range.	Owner	Construction
p. 18, Bullet 9	Mitigate impacts to state-listed amphibian species by avoiding, minimizing, and mitigating wetland effects as described above.	Will follow the 404 Compensatory Mitigation Plan and Fish and Wildlife Mitigation Plan	Design/Pre-Construction
p. 18, Bullet 10	Impose seasonal restrictions on construction to avoid sensitive large game winter habitat (from first large snowfall to summer green-up)	Owner	Design/Pre-Construction
p. 18, Bullet 11	Install wildlife crossovers (trench plugs) during pipeline construction with ramps on each side at a maximum of 1/4 mile intervals and at well-defined game trails	Will follow the Fish and Wildlife Mitigation Plan	Design/Pre-Construction/Construction
p. 18, Bullet 12	Create additional nesting habitat or nest boxes in nearby trees for the Lewis' woodpecker when nest trees are destroyed.	Owner	Pre-Construction/Construction
p. 18, ¶1	By replacing vegetation including structural diversity, the long-term effects on wildlife will be reduced by allowing wildlife to return to disturbed areas. Pre-construction surveys will identify wildlife use at the time of construction and allow for planning for avoidance and minimization. Imposing seasonal and/or daily restrictions on construction will enable wildlife to use important habitat, especially during breeding and other critical periods. Wildlife crossovers installed within the pipeline trench will facilitate wildlife passage and provide escape routes for wildlife trapped within the trench, thereby reducing mortality.	Owner	Ongoing
Participants' Commitments: Recreation			
p. 18, Bullet 1	During short-term construction activities that require trail closures of developed recreational trails, designate a safe and reasonable detour around the project site. Post signs directing trail users.	Will include in Design, Drawings, and Specifications	Construction
p. 18, Bullet 2	Work with the local municipality to establish alternate trails with consistent width, surfacing, and signage	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 18, Bullet 3	Within developed parks with temporary effects, commit to full reclamation of the impact area by replacing turf, irrigation systems, and other facilities that could be affected. Provide follow-up monitoring and maintenance for 1 year to ensure that reclamation efforts are successful	Will include in Design, Drawings, and Specifications	Post-Construction/Operation
p. 18, Bullet 4	In developed park areas with permanent, above ground SDS Project facilities, reconfigure park facilities that will be directly affected and visually screen SDS Project facilities from other park uses with vegetation, berming or attractive fencing.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 18, Bullet 5	Seek opportunities to enhance angling, boating, or other recreation opportunities at Lake Henry, Lake Meredith, and Holbrook Reservoir so that they are less vulnerable to water level fluctuations. Work with the CDOW to identify priority projects and include them in a proposed wildlife mitigation plan to the Colorado Wildlife Commission pursuant to C.R.S. 37-60-122.2 as above.	Will follow the Fish and Wildlife Mitigation Plan	Ongoing
p. 19, ¶1	The proposed mitigation measures will reduce the impact of project facility construction on trail users. They will also reduce the short- and long-term impacts of project facilities on park infrastructure, vegetation, aesthetics, and recreation experiences. Collaboration with the CDOW to enhance fishing and boating opportunities may result in such improvements to recreation at Lake Henry, Lake Meredith, and Holbrook Reservoir.	Will follow the Fish and Wildlife Mitigation Plan	Ongoing
Participants' Commitments: Socioeconomics and Land Use			
p. 19, Bullet 1	Acquire properties and easements through voluntary, willing participant agreements to the maximum extent practicable.	A Socioeconomic Construction Management Plan has been developed.	Ongoing
p. 19, Bullet 2	Develop a construction management plan to outline best management practices to minimize impacts to surrounding properties and submit plan to Reclamation for approval prior to construction.	A Socioeconomic Construction Management Plan has been developed.	Ongoing
p. 19, ¶1	Adverse short-term effects on landowners with parcels that will contain SDS features will be offset through mutually agreed upon compensation. The land use mitigation measures will minimize disturbances to properties near the project during construction or minimize land use changes and conflicts.	A Socioeconomic Construction Management Plan has been developed.	Ongoing
Participants' Commitments: Cultural Resources			

ROD Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
p. 19, Bullet 1	Comply with the requirements of the Programmatic Agreement between Reclamation, the ACHP, Colorado Springs, and the Colorado SHPO (Appendix I of the FEIS)	Will follow the Programmatic Agreement executed 09/01/10	Ongoing
p. 19, ¶1	Development of the project alternatives will result in impacts to non-renewable historic properties. As a result, it will be necessary to implement a mitigation plan in an effort to resolve any adverse effects. Mitigation may be accomplished through avoidance, implementation of protective measures, or data recovery. If avoidance and preservation are not possible, a data recovery plan may be used to collect and analyze significant information, thus preserving that information. Data collection as a mitigation measure should only be implemented when other means to protect or preserve historic properties have been exhausted or are not feasible. Within the data recovery plan, specific research problems concerning scientific, humanistic, and cultural concerns will be developed. Research also will focus on problems in prehistoric and historic archaeological methods and theory. Ultimately, the data collected likely will provide information regarding the cultures that have occupied the area in the past.	Will follow the Programmatic Agreement executed 09/01/10	Ongoing
Participants' Commitments: Indian Trust Assets			
p. 19, ¶1	Continue consultation with Native American Tribes in accordance with the Programmatic Agreement. Under the Agreement, Reclamation and the Project Participants will coordinate with the tribes to identify and mitigate impacts to any traditional cultural properties or resources.	Will follow the Programmatic Agreement executed 09/01/10	Ongoing
Participants' Commitments: Noise and Vibration			
p. 19, Bullet 1	Construction equipment used by contractors shall function as designed and shall conform to applicable noise emission standards	Will include in Design, Drawings, and Specifications	Construction
p. 19, Bullet 2	Generally adhere to project work hour restrictions (7 a.m. to 7 p.m.) within 500 feet of residences, hospitals, schools, churches, and libraries. Work hours may need to be extended from time to time in order to expeditiously restore traffic flow or public access.	Will include in Design, Drawings, and Specifications	Construction
p. 20, Bullet 3	Restrict access to construction areas so that the public could not be in close proximity to loud equipment or blasting	Will include in Design, Drawings, and Specifications	Construction
p. 20, Bullet 4	House project operating equipment (e.g. pump stations) in structures designed to minimize radiated noise outside the structure, and will meet local noise ordinance requirements.	Will include in Design, Drawings, and Specifications	Construction
p. 20, ¶1	By following existing standards, restricting work hours and access to construction areas, and insulating new noise within structures, noise effects will be minimized by maintaining acceptable noise levels and limiting the number of people exposed to increased noise levels.	Noted	Construction
Participants' Commitments: Visual Resources			
p. 20, Bullet 1	Vegetate earthen dam faces with native herbaceous plants to match the adjacent undisturbed prairie plant communities.	Will include in Design, Drawings, and Specifications	Construction
p. 20, Bullet 2	Revegetate and/or landscape with plants, all disturbances associated with the construction of all facilities	Will include in Design, Drawings, and Specifications	Construction
p. 20, Bullet 3	Restore as many existing grades as practicable following pipeline excavations	Will include in Design, Drawings, and Specifications	Construction
p. 20, Bullet 4	Enclose pump stations and well equipment in structures matching the architectural characteristics of the surrounding structures.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 20, Bullet 5	Construct powerlines with non-specular (not shiny) wire, non-reflective and opaque insulators, and light-colored, non-reflective finished poles	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 20, Bullet 6	Reclaim construction access roads and staging areas by restoring existing grade and revegetating the area of disturbance	Will include in Design, Drawings, and Specifications	Construction
p. 20, Bullet 7	Apply water with standard construction practices to control airborne fugitive dust within construction areas	Will include in Design, Drawings, and Specifications	Construction
p. 20, Bullet 8	Install baffles on construction lighting fixtures to direct light onto the construction activity only in locations where safety is a concern, scenic quality will be affected, or near occupied homes and businesses.	Will include in Design, Drawings, and Specifications	Construction
p. 20, ¶1	Restoring existing grades, revegetating disturbed areas, using architectural styles consistent with the area, and designing powerlines to have low visibility will minimize the visual contrast between the surrounding areas and will reduce the visibility of disturbance or new structures from observation points. Reducing airborne fugitive dust and construction lighting will reduce the area affected during construction.	Noted	Construction
Participants' Commitments: Traffic			
p. 20, Bullet 1	Use trenchless construction to the extent practicable when construction features cross railroad lines, state highways, county roadways in densely populated areas, and major city roadways in densely populated areas.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 20, Bullet 2	Prepare traffic control plans for approval by state and local traffic authorities and followed by contractors during construction.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 20, Bullet 3	Construct traffic signage, signals, acceleration, and deceleration lanes as directed by state and local traffic authorities for access to reservoir sites, treatment plants, and pump stations.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 21, Bullet 4	Construct improvements to existing access roads or construction of temporary alternate access roads to reservoir sites, treatment plants, and pump stations as directed by state and local traffic officials	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 21, Bullet 5	Modify or reconstruct bridges when the load limits are not adequate for construction of the SDS Project and other access routes are not reasonable	Noted	Design/Pre-Construction
p. 21, ¶1	When implemented, these recommendations will mitigate potential adverse effects on traffic by minimizing delays and promoting traffic safety.	Noted	Design/Pre-Construction/Construction
Participants' Commitments: Soils			
p. 21, Bullet 1	Minimize the area of disturbance to defined construction limits and limit the time bare soil is exposed	Will include in Design, Drawings, and Specifications	Construction
p. 21, Bullet 2	Contain soils within the construction area through temporary sediment control measures such as silt fences, sediment logs, trenches, and sediment traps	Will include in Design, Drawings, and Specifications	Construction
p. 21, Bullet 3	Remove woody vegetation prior to topsoil salvage and, to the extent possible, salvage topsoil within tree stump roots	Will include in Design, Drawings, and Specifications	Construction
p. 21, Bullet 4	Use topsoil salvage methods including windrowing topsoil at the limits of construction and pulling the soil back on slopes during reclamation	Will include in Design, Drawings, and Specifications	Construction
p. 21, Bullet 5	Apply topsoil, soil amendments, fertilizers, and mulches as appropriate, and seed selectively during favorable plant establishment climate conditions to match site conditions and revegetation goals	Will include in Design, Drawings, and Specifications	Construction
p. 21, Bullet 6	To the extent practicable, avoid irrigated lands during final design	Will include in Design, Drawings, and Specifications	Design/Pre-Construction/Construction
p. 21, Bullet 7	To the extent practicable, allow continued use of lands crossed by project facilities after construction	Noted	Design/Pre-Construction
p. 21, Bullet 8	Where the proposed pipeline crosses prime farmland soils, develop a soils handling plan that separates the top 6 inches and the soils between 6 and 36 inches for subsequent reclamation	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
p. 21, ¶1	Proposed mitigation measures will reduce short-term and long-term losses of soil and soil productivity. Redistribution of topsoil to soil-deficient areas will increase soil productivity in those areas. Topsoil, soil amendments, fertilizers, and mulches will increase productivity and help establish cultivated vegetation and crops. A soils handling plan for prime farmland soils will ensure high quality topsoil is preserved and distributed properly.	Noted	Ongoing
Participants' Commitments: Air Quality			
p. 21, Bullet 1	Develop and implement standard control practices, such as watering, to minimize particulate and dust emissions from construction work sites as specified in the fugitive dust control plan	Will include in Design, Drawings, and Specifications	Construction
p. 21, Bullet 2	Ensure construction equipment (especially diesel equipment) meets opacity standards for operating emissions	Will include in Design, Drawings, and Specifications	Construction
p. 21, Bullet 3	Promptly revegetate disturbed areas	Will include in Design, Drawings, and Specifications	Construction/Post-Construction
p. 21, ¶1	The proposed mitigation measures will reduce both short-term and long-term effects on air quality by following standards on construction equipment and minimizing fugitive dust.	Noted	Construction
Participants' Commitments: Hazardous Materials			
p. 22, Bullet 1	Remove solid waste and properly dispose of at a permitted solid waste disposal facility prior to construction of project facilities at the site	Will include in Design, Drawings, and Specifications	Pre-Construction/Construction

ROD Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
p. 22, Bullet 2	Inspect the ground surface beneath the solid waste for evidence of hazardous material or petroleum product spills such as soil staining and unusual odors or colors	Will include in Design, Drawings, and Specifications	Pre-Construction/Construction
p. 22, Bullet 3	If evidence of a spill or spills is noted, delineate the extent of the spill by laboratory analysis and excavate any contaminated soils and properly dispose of at a permitted waste disposal facility	Will include in Design, Drawings, and Specifications	Construction
p. 22, Bullet 4	If soil and/or ground water contamination is encountered during construction of project facilities, implement mitigation procedures to minimize the risk to construction workers and to the future operation of the project.	Will include in Design, Drawings, and Specifications	Construction
p. 22, ¶1	The proposed mitigation measures will identify areas of potential contamination from hazardous materials and will remediate the soil and ground water if any contamination was identified	Noted	Construction

ATTACHMENT 2

**Table of Commitments for the Clean Water Act
Section 404 Individual Permit**

**Southern Delivery System
Environmental Commitments Plan
ATTACHMENT 2**

Table of Commitments for the Clean Water Act Section 404 Individual Permit, Permit No. SPA-2005-00131-SCO

Notes:
Subheaders and conditions listed are provided verbatim from the permit/approval document

404 Permit Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
General Conditions			
Item 1, p. 1	The time limit for completing the work authorized ends on December 31, 2020. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.	Noted	Ongoing
Item 2, p. 2	You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.	Noted	Ongoing
Item 3, p. 2	If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.	Will follow the Programmatic Agreement	Construction
Item 4, p. 2	If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.	Noted	Ongoing
Item 5, p. 2	If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.	Noted	Ongoing
Item 6, p. 2	You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.	Noted	Ongoing
Special Conditions			
Item 1, p. 2	After a detailed and careful review of all of the conditions contained in this permit, the permittee acknowledges that, although said conditions were required by the Corps of Engineers, nonetheless the permittee agreed to those conditions voluntarily to facilitate issuance of the permit; the permittee will comply fully with all the terms of all the permit conditions.	Noted	Ongoing
Item 1, p. 2	Compensatory mitigation for authorized permanent impacts to jurisdictional wetlands is required per the Southern Delivery System Jurisdictional Wetland Mitigation Plan, dated January 2010, prepared for Colorado Springs Utilities by CH2M HILL. This includes monitoring as described in the plan and adaptive management as necessary to achieve success criteria.	Will follow the Compensatory Mitigation Plan	Construction and Post-Construction/Operations
Item 2, p. 2	The Permittee's responsibility to complete the required compensatory mitigation as set forth in Special Condition No.2 will not be considered fulfilled until the permittee has demonstrated mitigation success and have received written verification from USACE.	Noted	Post-Construction/Operations
Item 3, p. 2	Consultation with Colorado Department of Wildlife is required prior to beginning construction on any open trench crossing of Jimmy Camp Creek. This consultation must include discussion of channel restoration and re-vegetation requirements.	Will follow the Fish and Wildlife Mitigation Plan	Design/Pre-Construction
Item 4, p. 3	Temporary impacts from trenched pipeline crossing of waters of the US will be conducted as described in Section 5.4 of the permit application, and subject to the terms and conditions described in Appendix C of the application. An exception is that temporary fills in wetlands will be placed on construction fabric or a similar barrier. Any load bearing temporary structures (work pads, etc) in waters of the U.S. must be separated from existing surfaces by construction fabric. In addition, limits and requirements for utility line crossings described in Nationwide Permit 12 are applicable to all open trench crossings. This includes those conditions associated with handling trench spoil and temporary fills.	Will include in Design, Drawings, and Specifications	Construction
Item 5, p. 3	Open trench crossings will be done during a low flow period of the hydrograph in perennial streams (does not pertain to jack and bore operations), and during times of no flow in intermittent or ephemeral channels.	Will include in Design, Drawings, and Specifications	Construction
Item 6, p. 3	The permittee will submit a plan that specifies how disturbed areas associated with temporary impacts to waters of the US will be restored. The plan must be approved by USACE before any temporary disturbance occurs. This plan will include reestablishment of pre-project contours, in-kind re-establishment of existing vegetation, including and woody species, methodologies for soil stabilization prior to plant establishment, success criteria, a maintenance/adaptive management plan, weed control and a monitoring plan. If existing vegetation is dominated by species commonly recognized as weeds, the permittee will base re-vegetation plans on a nearby undisturbed reach. This requirement pertains to temporary disturbances associated with the Chicotte Ditch/Fountain Creek diversion and the Williams Creek Reservoir/Fountain Creek outfall and the raw water intake at the Pueblo Reservoir outfall site.	The USACE Restoration Plan has been approved and will be followed	Design/Pre-Construction
Item 7, p. 3	Trench spoil will not be stockpiled in flowing waters unless there is no practicable alternative.	Will include in Design, Drawings, and Specifications	Construction
Item 8, p. 3	All work in waters of the U.S. as required by the Bureau of Reclamation's Record of Decision, or by other agencies with permitting authority for this project, must be reviewed by USACE prior to project construction to determine if additional USACE authorization is required.	Future submittal for agency approval. The plans for the raw water intake at Pueblo Reservoir were submitted to USACE for review, and USACE had no comments.	Design/Pre-Construction
Item 9, p. 3	Prior to construction of the Williams Creek outfall structure and the Chicotte Ditch intake structure and the Pueblo Dam Outlet Works intake structure, the final plans and design must be reviewed and approved by USACE.	Future submittal for agency approval. The plans for the raw water intake at Pueblo Reservoir were submitted to USACE for review, and USACE had no comments.	Design/Pre-Construction
Item 10, p. 3	Any conditions and requirements established in the Colorado Department of Public Health and Environment's Section 401 Water Quality Certification, if provided, are considered conditions of this permit.	Will comply with the 401	Ongoing
Further Information:			
Item 1, Congressional Authorities, p. 3	Congressional Authorities: You have been authorized to undertake the activity described above pursuant to: Section 404 of the Clean Water Act (33 U.S.C. 1344).	Noted	Design/Pre-Construction
Item 2, Limits of Authorization, p. 4	a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law. b. This permit does not grant any property rights or exclusive privileges. c. This permit does not authorize any injury to the property or rights of others. d. This permit does not authorize interference with any existing or proposed Federal project.	Noted	Ongoing

404 Permit Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Item 3, Limits of Federal Liability, p. 4	In issuing this permit, the Federal Government does not assume any liability for the following: a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes. b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United State in the public interest. c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit. d. Design or construction deficiencies associated with the permitted work. e. Damage claims associated with any future modification, suspension, or revocation of this permit.	Noted	Construction
Item 4, Reliance on Applicant's Data, p. 4	The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.	Noted	Ongoing
Item 5, Reevaluation of Permit Decision, p. 4	This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following: a. You fail to comply with the terms and conditions of this permit. b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above). c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.	Noted	Ongoing
Item 6, Extensions, p. 5	General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.	Noted	Ongoing

ATTACHMENT 3

**Table of Commitments for the Clean Water Act
Section 401 Certification**

**Southern Delivery System
Environmental Commitments Plan
ATTACHMENT 3**

Table of Commitments for the Colorado Department of Public Health and Environment 401 Certification No. 4224

Notes:

Subheaders and conditions listed are provided verbatim from the permit/ approval document.

401 Certification Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Conditions for this certification include:			
Certification Statement, Bullet 1, p. 5	By reference, the Division incorporates all conditions to protect water quality placed on the SDS project by other applicable regulatory agencies. Regulatory agencies identified with project conditions impacting water quality include the United States Bureau of Reclamation, Record of Decision for the Southern Delivery System Final Environmental Impact Statement No.: GP-2009-01 (March 20, 2009), Pueblo County 1041 Permit Terms and Conditions and Mitigation of Project Impacts (March 18, 2009), SDS Fish and Wildlife Mitigation Plan (February 11, 2010) and the United States Army Corps of Engineers §404 Permit No. SPA-2005-00131-SCO (March 12, 2010).	Noted	Ongoing
Certification Statement, Bullet 2, p. 5	By reference, the Division incorporates the conditions of the Intergovernmental Agreements (IGA) dated March 1, 2004 and March 27, 2004 which relate to the Arkansas River Flow Maintenance Plan (FMP) and the Arkansas River Low Flow Program memorandum of understanding dated April 17, 2009. By compliance with these plans, the SDS project will minimize water quality impacts due to the reduced Arkansas River flows from the reservoir to the confluence with Fountain Creek.	Noted	Ongoing
Certification Statement, Bullet 3, p. 5	The SDS project will install groundwater monitoring wells up-gradient and down-gradient of the Upper and Lower Williams Creek Reservoirs. A minimum of five (5) down gradient and three (3) up-gradient monitoring wells will be constructed at each reservoir and developed to characterize the groundwater in the Williams Creek drainage. The information gathered from these wells will be used to evaluate if elevated selenium concentrations are occurring as the result of the construction and operation of the reservoirs. The exact location of the wells will be determined by a registered geologist. The monitoring of these wells will begin three years prior to the operation of the reservoirs. Samples will be collected quarterly. Analytical results will be assessed to determine if statistically significant changes have occurred over the baseline data and over the up-gradient concentrations. If significant water quality changes over greater than a two year period are identified by the down-gradient monitoring wells, the SDS project is required to implement an effective adaptive management program to mitigate adverse water quality effects associated with the construction and operation of the Williams Creek Reservoirs. The adaptive management plan may include an expanded monitoring program to confirm the source and magnitude prior to the development of a corrective mitigation action.	Owner will manage and will follow the IAMP	Design/Pre-Construction (Phase 2)
Certification Statement, Bullet 4, p. 6	All collected raw data and annual reports developed as a requirement of other agency conditions will be submitted to the Division at the same time they are submitted to the requiring regulatory agency. Data and reports will be submitted directly to the Environmental Data Unit in an electronic data format agreed to by the Division.	Noted	Ongoing

ATTACHMENT 4

Table of Commitments for the Fish and Wildlife Mitigation Plan

Southern Delivery System
Environmental Commitments Plan

ATTACHMENT 4

Table of Commitments for the Colorado Wildlife Commission - Fish and Wildlife Mitigation Plan

Notes:

Subheaders and conditions listed are provided verbatim from the permit/approval document

Fish and Wildlife Mitigation Plan Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
TABLE 1. FISH AND WILDLIFE MITIGATION: 1. Fisheries and Aquatic Habitat			
Fish Stocking, p. T-1	<ul style="list-style-type: none"> Project participants agree to provide capital funds and/or construct additional warmwater hatchery ponds for production of fish needed to offset potential losses of fishery stocks in Pueblo Reservoir, Lake Henry, and Lake Meredith due to SDS Project operations, and also support stocking UWCR, a new terminal storage reservoir for the SDS Project. The capital funds will be used for construction of 7.5 acres of fish production ponds at a CDOW fish hatchery. Project participants agree to provide O&M funds that will be used for ongoing hatchery operations for those ponds. 	Will follow the MOU	Design/Pre-Construction/Post-Construction/Operations (Phase 1 and/or 2)
Fish Habitat Improvement, p. T-1	<ul style="list-style-type: none"> Project Participants will provide mitigation funding to purchase habitat structure materials that will be placed by CDOW, and will also support these improvements by providing materials. CDOW will place habitat structures in Lake Henry, Lake Meredith, and Pueblo Reservoir to provide for increased survival of juvenile fish and for refugia that will enable fish to utilize structure during drawdown periods. 	Will follow the MOU	Design/Pre-Construction (Phase 2)
Fish Retention Structures, p. T-1	<ul style="list-style-type: none"> Project participants agree to install fish screens at Lake Henry to support and maintain fish populations, and install a walkway at the existing Lake Meredith outlet to improve efficiency of screen cleaning and maintenance. Cost estimates are preliminary to design. Springs Utilities will install fish screens in cooperation with CDOW and the Colorado Canal Company. 	Will follow the MOU	Design/Pre-Construction (Phase 1)
Aquatic Research, p. T-1	<ul style="list-style-type: none"> Research will be conducted in Monument and Fountain Creeks on selected representative fish species to determine life history factors and the relationship to water flow, water quality, and habitat parameters most likely to be influenced by SDS Project operations. Baseline research will be conducted for three years prior to completion of Phase I and then for one additional year subsequent to completion of Phase II. Spring Utilities will pay for a Colorado State University student to conduct the approved research studies. CDOW will help define the scope of work for this research. 	Noted	Construction/Post-Construction/Operations (Phase 1 and/or 2)
TABLE 1. BENEFITS AND ENHANCEMENTS			
Clear Spring Ranch, p. T-1	<ul style="list-style-type: none"> Develop potential hunting opportunities and trails/wildlife viewing. 	Noted	Ongoing
WCR, p. T-1	<ul style="list-style-type: none"> Develop potential hunting opportunities and trails/wildlife viewing. 	Noted	Post-Construction/Operation (Phase 2)
UWCR, p. T-1	<ul style="list-style-type: none"> Develop angling (shore and boat), and other wildlife recreation opportunities at UWCR; including fish spawning habitat and two jetties. Provide for dispersed fishing recreation and wildlife viewing at UWCR. The Project Participants will work, through a public process, toward construction of appropriately planned trails, roads and parking lots around the reservoir. This construction will address access, security, and safety issues at the dam site. 	Noted	Design/Pre-Construction/Construction (Phase 2)
Improve Native Fish Habitat	<ul style="list-style-type: none"> Seek opportunities to preserve or develop Arkansas darter habitat along lower Fountain Creek and its tributaries. 	Noted	Construction (Phase 2)
TABLE 2. AVOIDANCE & MINIMIZATION			
Relocate terminal storage, p. T-2	Avoid impacts to jurisdictional wetlands and the existing population of Arkansas darter by changing terminal storage from Jimmy Camp Creek to Upper Williams Creek. Avoid locations of Needle and Threadgrass - Blue Grama grassland community at north end of Jimmy Camp Creek Reservoir site.	Complete - Upper Williams Creek Reservoir will be used for terminal storage.	Complete
Discharge WCR return flows to Fountain Creek, p. T-2	Avoid impacts to jurisdictional wetlands on Williams Creek and Arkansas darter habitat by routing return flows from WCR to Fountain Creek through a pipeline instead of releasing them to Williams Creek	Complete - A return flow pipeline from Williams Creek Reservoir will be used.	Complete
Bradley Road realignment, p. T-2	Bradley Road realignment provides ancillary benefit by avoiding impacts to a pair of nesting golden eagles.	Noted	Design/Pre-Construction
Design review for vegetation with desirable impacts, p. T-2	Prior to final design, review locations of grasslands, high quality shrublands, woodlands, and other areas with desirable vegetation to determine design changes within the current study area that will avoid and minimize impacts.	Owner will manage	Design/Pre-Construction
Design review for wetland and/or stream impacts, p. T-2	Design final alignments and facilities to avoid or minimize wetland impacts. Assess alternative construction methods for pipeline crossings.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Construction planning for minimum wildlife habitat disturbance, p. T-2	Wildlife surveys will be conducted in accordance with CDOW standard protocols to minimize disturbance and/or temporarily restrict construction in areas of seasonally sensitive habitat.	Owner will manage	Design/Pre-Construction
Table 2. FISH AND WILDLIFE MITIGATION: 1. Fisheries and Aquatic Habitat			
Flow Management, UAVFMP, p. T-2	Participation in the Upper Arkansas Voluntary Flow Management Program	Will follow the Arkansas Voluntary Flow Management Program	Ongoing
Flow Management, PFMP, p. T-2	Participation in the Pueblo Flow Management Program, which includes maintenance of target flows on the Arkansas River downstream of Pueblo Reservoir.	Will follow the Pueblo Flow Management Program	Ongoing
Flow Management, ARLFP, p. T-2	Participate in the Arkansas River Low Flow Program, which is intended to minimize the possibility of flows less than 50 cfs below Pueblo Reservoir.	Will follow the Arkansas River Low Flow Program	Ongoing
Aquatic Habitat, Fountain Creek mitigation, p. T-2	Provide monetary mitigation to the District for specific projects to improve water quality, flood control, or prevent erosion and sedimentation. Support CDOW efforts to preserve and enhance fishery and occupied Arkansas darter habitat as a component of projects developed through the District, or other agencies, insofar as these efforts meet the requirements of the 1041 Permit	Noted	Ongoing
Aquatic Life, Aquatic Life Monitoring, p. T-2	Monitor the effects of the operation of the project on aquatic life in Fountain Creek and the Arkansas River. Coordinate monitoring efforts to meet goals stated in the ROD, 1041, and FWMP. The effects of the operation of the SDS Project upon aquatic life in Fountain Creek will be monitored. Aquatic sampling will be conducted once per year at up to 13 locations. Information obtained from this monitoring effort will be incorporated into the adaptive management program for the SDS Project.	Will monitor as described in the Monitoring Plan (MP) and incorporate findings into the Integrated Adaptive Management Plan (IAMP)	Ongoing

Fish and Wildlife Mitigation Plan Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Invasive Species, Aquatic Invasive Species Control, p. T-2	Potential future mussel control if needed.	A connection to the River Outlet Works piping will be installed during construction to allow for a mussel control system to be implemented in the future if it is deemed necessary.	Ongoing
Table 2. FISH AND WILDLIFE MITIGATION: 2. Wildlife Habitat			
Vegetation, p. T-3	<ul style="list-style-type: none"> Mark environmentally sensitive vegetation within or near construction easements to avoid inadvertent impacts. Replace mature trees (diameter at breast height of 12 inches or greater) within construction areas at a 1:1 ratio with the same or similar native species with available nursery container stock or pole plantings as soon as practicable after construction activities have ended. For 1 year after construction, monitor the construction areas to determine if appropriate native vegetation is establishing. If native vegetation is not establishing, the site will be reseeded with appropriate species. During construction, wash major construction equipment before it enters the site so that noxious weeds are not spread from other construction sites. Use certified weed-free mulch after seeding construction areas. Reseed construction areas with comparable native vegetation as soon as practicable after disturbance, using seed that does not contain any noxious weed seed. Monitor construction areas for 3 years after construction to assess if noxious weeds have invaded the site. If noxious weeds are present, weed control plans will be formulated and completed. The project may indirectly increase the spread of tamarisk, therefore; the Project Participants will work with the Colorado Department of Agriculture's Colorado Noxious Weed management Team on high priority tamarisk infestation areas in the Arkansas Valley, including submitting a Request for Partnership Evaluation. Due to its topography, the inlet area of Pueblo Reservoir may potentially be one of the special areas of interest. CDOW would be a cooperator in these efforts because of their management of the Pueblo State Wildlife Area in that vicinity. 	Will include in Design, Drawings, and Specifications	Construction and Post-Construction/Operations
Wildlife, p. T-3	<ul style="list-style-type: none"> Promptly revegetate all disturbed areas with native species that provide species diversity, and food and cover for large game and wildlife habitat. Conduct clearance surveys in suitable habitat for state-listed species following standard protocols, as available, prior to construction (e.g., prairie dogs, burrowing owls, and mountain plover). Conduct pre-construction surveys for swift fox den sites within appropriate habitat along the pipeline corridor and proposed reservoir sites. Avoid surface disturbance within ¼-mile of active den sites while young are den-dependent (March 15 through June 15). Restrict pesticides for rodent control within swift fox overall range. Conduct raptor nest surveys prior to construction and impose seasonal restrictions to surface activity within recommended buffers (generally ¼ to ½ mile) around active raptor nest sites and heron rookeries during construction. Consult with CDOW and the USFWS Migratory Bird Permit Office to develop mitigation for unavoidable loss of raptor nests. Options may include constructing artificial nests in suitable habitat or enhancing prey habitat. Develop construction schedules to avoid impacts to nesting migratory birds. If construction is scheduled to occur during the nesting season (April 1 through August 31) in areas where migratory birds may nest, a qualified biologist will conduct a nesting bird survey prior to the commencement of construction activities to determine the presence of migratory birds and their nests. If an active nest is detected, a buffer zone between the nest and the limit of construction will be flagged and avoided during the nesting season, or construction will be scheduled outside of the nesting season. Impose seasonal restrictions on construction to avoid sensitive big game winter range habitat (from first large snowfall to summer green-up). Install wildlife crossovers (trench plugs) during pipeline construction with ramps on each side at a maximum of ¼-mile intervals and at well-defined game trails. <p>Create additional nesting habitat or nest boxes in nearby trees for the Lewis' woodpecker when nest trees are destroyed.</p>	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Table 2. FISH AND WILDLIFE MITIGATION: 3. Wetlands and Riparian Habitat			
Wetland, water and riparian habitat, p. T-4	Evaluate and consider a strategy to increase the sinuosity of Fountain Creek at appropriate locations so that wetlands areas can be created.	Noted	Ongoing
Clear Spring Ranch, p. T-4	<ul style="list-style-type: none"> Mitigate all unavoidable, permanent impacts to < 0.25 acres of jurisdictional wetlands with compensatory wetlands that replace existing wetland functions and values. Compensatory wetland mitigation will occur at the CSR site. Mitigate all unavoidable, permanent impacts to non-jurisdictional wetlands with compensatory wetlands that replace existing wetland functions and values. Approximately 12 acres of compensatory wetland mitigation will likely occur at the CSR site. Restoration and stabilization of select locations of Fountain Creek. Potential habitat protection through a conservation easement. Water quality improvement through erosion and sediment reduction. 	Will follow the Compensatory Mitigation Plan and comply with the ROD	Ongoing
Table 2. FISH AND WILDLIFE MITIGATION: 4. Water Quality and Geomorphology			
Water Quality, p. T-4	<ul style="list-style-type: none"> Conduct monthly sampling for dissolved selenium, E. coli, ammonia, and salinity at 13 Fountain Creek Basin and Arkansas River monitoring locations. Sampling will begin with project construction and continue quarterly once the SDS Project is online. <p>WCR inlet and outlet will be monitored quarterly for methyl mercury at the beginning of reservoir operations for one year, and will continue annually for 4 years.</p>	Will follow the Monitoring Plan	Ongoing
Fountain Creek Geomorphology, Geomorphic mitigation, p. T-4	<p>Prepare a geomorphic mitigation plan - includes removing sediment that reduces the effectiveness of USACE levees near the confluence of Fountain Creek and the Arkansas River, increasing sinuosity on Fountain Creek near CSR, and reducing erosion and sedimentation in appropriate locations along Fountain Creek.</p> <p>Prior to project operations, channel stabilization projects will be completed, which may include non-structural options such as conservation easements.</p> <p>Evaluate and implement future geomorphic stabilization projects if necessary.</p>	Will follow the Geomorphic Mitigation Plan	Design/Pre-Construction
Fountain Creek Geomorphology, Sediment load reduction, p. T-4	<p>Project Participants will implement dredging and sediment collection devices in lower Fountain Creek that will assist the City of Pueblo in preserving Fountain Creek levee flood protection at or above the 100-year flood level.</p> <p>Project Participants will conduct geomorphic monitoring at ten cross-sections along Fountain Creek to monitor degradation, aggradation and other changes to the geomorphologic surface. These surveys will be done annually during low stream flow conditions.</p>	Will follow the Geomorphic Mitigation Plan	Construction
Adaptive Management Plan, p. T-4	The Project Participants will implement an Environmental Management System to establish procedures for compliance with laws, regulations, permit requirements, and mitigation measures. The Environmental Management System will use adaptive management principles to address unforeseen conditions directly associated with SDS operations.	Noted	Ongoing
Table 2. BENEFITS AND ENHANCEMENTS			
UWCR, p. T-4	Develop opportunities to enhance angling, boating, or other recreation opportunities at UWCR;	Noted	Design/Pre-Construction (Phase 2)

Fish and Wildlife Mitigation Plan Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Lake Henry, Lake Meredith and Holbrook Reservoir, p. T-4	Seek opportunities to enhance angling, boating, or other recreation opportunities at Lake Henry, Lake Meredith, and Holbrook Reservoir so that they are less vulnerable to water level fluctuations.	Noted	Ongoing

ATTACHMENT 5

**Table of Commitments for
the Pueblo County 1041 Permit**

Southern Delivery System
Environmental Commitments Plan

ATTACHMENT 5

Table of Commitments for the Pueblo County 1041 Permit No. 2008-002

Notes:
Subheaders and conditions listed are provided verbatim from the permit/approval document

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
General Requirements Contained in the Main Body of 1041 Resolution or in the Permit Application			
1. Commitments of Applicant, p. 8	The following terms and conditions contain the specific commitments of the Applicant and shall be met as herein described.	Noted	Ongoing
2. Term of Permit, p. 8	This Permit is valid indefinitely for the life of the SDS Project, provided Applicant is in compliance with this Permit. If the Applicant fails to take substantial steps to construct the permitted development within thirty-six (36) months from the date of the Permit, then the Permit may be revoked or suspended by the County in accordance with its Areas and Activities Regulations. The Applicant may submit a written request to Pueblo County for an extension of the time period to begin construction under the Permit for good cause.	Construction of the Southern Delivery System Finished Water 1 work package is complete. The Pueblo Dam Connection is scheduled to begin by May 2011.	Phase 1
3. Transfer of Permit, p. 8	This Permit may be transferred in whole or part to another party only with the written consent of the Board of Pueblo County Commissioners. A proposed transferee shall demonstrate that it can and will comply with all the requirements, terms, and condition contained in the Permit.	Noted	Ongoing
4. Compliance with other Regulatory Requirements, p. 8	Applicant shall comply with applicable local, State, and federal regulatory requirements and permits. See <i>Mitigation Appendix C-7</i> . Prior to commencement of construction of any phase or work package of the SDS Project in Pueblo County, and within 60 days of said permit approvals, Applicant shall provide copies to Pueblo County of permits applicable to that work package of construction. If any such permits or approvals result in a material change in the SDS Project or are inconsistent with the terms and conditions of this Permit, Applicant shall notify Pueblo County, and Pueblo County shall determine whether a Permit amendment or suspension is required.	Noted. Copies of applicable permits will be provided.	Ongoing
4.1. Other Pueblo County Regulations, p. 9	This permit shall not constitute an exemption from Pueblo County zoning, building, health, or other applicable regulations and codes (except as provided in Section 17.140.010(F) of the <u>Pueblo County Code</u> regarding special use permits).	Noted	Ongoing
4.2. Flood Hazard Area Development Permits, p. 9	The Applicant shall obtain a Flood Hazard Area Development permit(s) for construction proposed within any designated 100-year floodplain in Pueblo County (as identified by the most current FEMA Flood Insurance Rate Maps for Pueblo County). These permits require review and approval by the Pueblo County Department of Planning and Development prior to any construction within a floodplain.	Future submittal for agency approval	Design/Pre-Construction
4.3. Permit for New Electrical Substation and Transmission Lines, p. 9	Construction of a new substation and transmission lines for the Juniper Pump Station shall require approval by Pueblo County of a Use-by-Review as specified in the Public Use District (S-1) zoning regulations if less than 115 Kv. If 115 Kv or greater, a separate permit application shall be submitted under the applicable Areas and Activities Regulations.	Noted	Design/Pre-Construction
5. Permit Amendment, p. 9	Any material change in either the construction, use, or operation (exceeding 78 mgd pumping by the Juniper Pump Station) of the SDS Project from that approved herein, shall require a permit amendment. For these purposes a material change shall be any change in the Project which significantly changes the nature of impacts addressed by the Permit. The Applicant shall notify Pueblo County of any material change in the SDS Project (not including routine maintenance, repair, or operation of an existing facility) and the County will determine whether an amendment or new permit is required. Any disagreement about the materiality of a change shall be subject to the Dispute Resolution Process outlined herein.	Noted	Ongoing
5.1 Use of New Water Supplies Delivered Through SDS Project, p. 9	Although Applicant currently has no firm plans to acquire by purchase or lease additional water rights in the Arkansas Basin either downstream or upstream of Pueblo Reservoir, the possibility exists that additional water supplies will be required in the future. In addition, if third-party contracts or agreements are executed meeting the other terms and conditions of this permit, those entities might well seek to acquire new or additional water rights for transportation of water through the SDS Project. Pueblo County asserts that it possesses the legal authority to regulate and control such additional water and water rights transportation through the SDS project. Nothing in the terms and conditions of this 1041 Permit is intended to prevent Pueblo County from asserting that jurisdiction and regulatory authority, subject to the right of any such third-party and/or Applicant to assert any defenses to the exercise of the County's authority that may then exist.	Noted	Ongoing
5.2. Carriage Of Water To Entities That Are Not SDS Project Participants, p. 10	Although Applicant has no existing permits or agreements with third-parties not listed as Applicants on 1041 Permit Application No. 2008-002, except all existing service agreements already disclosed to Pueblo County, it does not intend to foreclose the potential of making additional agreements for the long-term delivery of water to third parties via the SDS Project. In the event any such third-party contracts are entered into under which Applicant would deliver water to such a third-party in El Paso County, Applicant shall require that the following conditions be included in any contract, permit, or agreement with such third-party: A. A clear acknowledgment of support for the Fountain Creek Watershed Flood Control and Greenway District, together with a commitment to participate in the financing of said district; B. A clear and irrevocable commitment not to serve property located outside of the natural drainage of the Arkansas River or to market, transfer, wheel, or otherwise provide water to properties or entities located outside the natural drainage of the Arkansas River; C. The adoption and maintenance of a financing mechanism similar to the Colorado Springs Stormwater Enterprise capable of financing, constructing, and maintaining storm water detention and retention facilities intended to insure that the storm flows of the Fountain Creek Basin do not increase above existing conditions, along with the adoption and maintenance of regulations and ordinances requiring stormwater detention, retention, and management of no less strict than those in place in the City of Colorado Springs. This condition can only apply to such third-parties who have the legal authority to regulate in this manner; D. An agreement to accept and comply with the City of Pueblo Flow Management Program and the Pueblo Recreational In-channel Diversion Decree both impacting the Arkansas River between Pueblo Dam and its confluence with Fountain Creek, in any application for a change of water rights or exchange implicating that reach of the river; E. Pro rata participation in any water quality monitoring or studies to the same degree and extent as undertaken by the Applicant under this permit; and F. Support of any studies of a flood control dam or dams on Fountain Creek. Upon the submission of contracts or agreements to Pueblo County evidencing the acceptance of the foregoing terms and conditions, Applicant shall be entitled to enter into third-party contracts for the delivery of water from Pueblo Reservoir to entities located in El Paso County or Teller County within the Arkansas River Basin. Nothing herein shall provide a right in the Applicant or any other entities to operate the SDS Project at a rate of flow in excess of 78 mgd without applying for and receiving an amended 1041 Permit satisfying any additional terms and conditions which might then be imposed.	Noted	Ongoing
5.3. Reservation of Permit Authority, p. 11	Colorado Springs currently does not have the authority to enlarge the storage capacity of Pueblo Reservoir. Should the enlargement of Pueblo Reservoir occur in the future, and should Colorado Springs become a participant in that enlargement, Pueblo County reserves the right to assert, at that time, that those actions constitute a permissible activity under its 1041 regulations, subject to the right of Colorado Springs to assert any defenses to the exercise of the County's authority that may then exist.	Noted	Ongoing

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
6. Monetary Mitigation for Fountain Creek Impacts, p. 11	<p>In order to mitigate the impacts of SDS to Fountain Creek in Pueblo County, Applicant will pay \$50,000,000 to the Fountain Creek Watershed, Flood Control and Greenway District ("District") described in the Intergovernmental Agreement for the Management and Conservation of Fountain Creek executed by El Paso County on December 15, 2008 and Pueblo County on December 16, 2008. \$300,000 of that amount shall be paid in equal annual installments of \$100,000, commencing July 1, 2009. These payments shall be used to assist in the identification and prioritization of projects, and to fund a study or studies of opportunities for constructing flood control and sediment control facilities which may include the feasibility of a dam or dams on Fountain Creek or its tributaries in order to improve the flood protection for the City of Pueblo and the Fountain Creek Basin.</p> <p>Payment shall be made as to the remaining \$49,700,000 as follows: \$9,700,000 on January 15, of the year following completion and commencement of water deliveries through the SDS Pipeline from Pueblo Reservoir to Colorado Springs; and in equal annual installments of \$10,000,000 on January 15 of each of the four years thereafter.</p> <p>Payments shall be made to the District, provided: it is created by legislation supported by Pueblo County and El Paso County for the management and conservation of Fountain Creek; it provides for participation by Pueblo County and the City of Colorado Springs as voting members of the board of directors; it has equal representation of entities from Pueblo County and El Paso County as voting members of the board of directors; and it has power to levy taxes and impose fees. If the District is not so created, then Pueblo County and Colorado Springs will establish a not for profit corporation pursuant to the Colorado Revised Nonprofit Corporation Act, C.R.S. §7-121-101, et seq, governed by a board of directors having an equal number of directors from Pueblo County and from Colorado Springs, for the purposes specified herein. The Foundation, if established, will be referred to as the Fountain Creek Restoration Foundation. ("FCRF").</p> <p>The District (or if not created, the FCRF) may use funds provided by the Applicant under this permit condition only for one or more new projects in the Fountain Creek watershed between Colorado Springs and the Arkansas River confluence in Pueblo that create a significant and not merely incidental benefit to Fountain Creek within Pueblo County for improvement of water quality, for flood control, or for prevention of erosion and sedimentation. Subject to these criteria, acceptable projects may include:</p> <p>A. Those projects that have been identified by the United States Army Corps of Engineers ("Corps") as high priority erosion, sedimentation, or flood control projects in a formal Corps' recommendation for Fountain Creek;</p> <p>B. Erosion, sedimentation, flood control or water quality improvement projects identified as part of the Fountain Creek Corridor Master Plan adopted by Colorado Springs Utilities and the Lower Arkansas Valley Water Conservancy District;</p> <p>C. Any other sedimentation and erosion control, flood control, including a dam or dams, or stream improvement project that is found to be acceptable by the District or, if not created, the FCRF.</p> <p>In the event completion of the SDS Project is delayed beyond 42 months after the effective date of the permit because of an affirmative decision made by Applicant, then the payments to be made by the Applicant pursuant to this paragraph shall begin to be made on such date, without regard to project construction status, or such payments shall be subject to annual indexing commencing 42 months after the effective date of the permit, to increase the amount of such payments as required to preserve their present values, using the Colorado Front Range Producer Price Index, but not to exceed a maximum annual increase of 3.5%.</p>	Noted. The first two installments of \$100,000 were paid in 2009 and 2010.	Ongoing
7. Expenditures for Wastewater System Improvements, p. 12	<p>In order to continue its efforts to protect against future spills to Fountain Creek, to increase its opportunities for reuse, and to mitigate possible water quality impacts by the SDS Project to Fountain Creek, Colorado Springs Utilities shall commit to invest an additional \$75,000,000 in its wastewater system. Expenditures will be made as part of the wastewater collection system rehabilitation programs or wastewater reuse systems between January 1, 2009 and December 31, 2024 as required. These expenditures shall be for projects not currently required by other regulatory permits, agency enforcement or court orders, consent agreements, or governmental regulations existing as of January 30, 2009. These expenditures will include the Local Collector Evaluation and Rehabilitation Program (LCERP) for the improvement and fortification of wastewater lines which could adversely affect Fountain Creek or its tributaries. These expenditures are subject to annual appropriation by the Colorado Springs City Council. Beginning in 2010, by January 31 of each year, Colorado Springs Utilities shall provide an annual report to Pueblo County describing such expenditures for the prior year.</p>	Colorado Springs Utilities has provided the 2009 and 2010 Wastewater System Annual Expenditures Report to Pueblo County.	Ongoing
8. Sediment Control / Dredging and Clear Springs Ranch, p. 13	<p>It is acknowledged by Pueblo County and Applicant that one mitigation commitment will be a project to reduce the sediment load in lower Fountain Creek through dredging and the construction of sediment collection devices. These efforts will occur prior to the construction of the SDS Project. These sediment removal activities are of vital importance to Pueblo County because they will assist the City of Pueblo in preserving the flood protection of the Fountain Creek levees at or above the 100-year flood level. This mitigation commitment may be conducted in cooperation with a project or projects of the U.S. Army Corps of Engineers. It is acknowledged that there will have to be sampling done on the bed sediments in Fountain Creek to insure that no hazardous materials exist that would make a dredging and sediment removal project technically or financially impracticable. Applicant, as a condition of this permit, will pursue vigorously its efforts to complete this sediment removal project at the levels committed to in the final Environmental Impact Statement process. In the event that sediment removal is not practicable because of the quality of the bed sediments, Applicant will commit an equal amount of money that would have been expended on this sediment removal project at the level required by the FEIS for another project designed to assist the City of Pueblo in restoring and maintaining sufficient flood protection to allow the existing levee systems to withstand a 100-year flood, subject to approval of the Bureau of Reclamation.</p> <p>In addition, Applicant has committed, as part of the EIS process, to construct new wetlands and redirect a portion of the channel of Fountain Creek adjacent to the wetlands area at the Clear Springs Ranch to reduce the slope and improve channel stability through this area subject to the approval of Reclamation. The redirected channel is proposed to have an increased length and sinuosity to stabilize the channel. The purpose of this mitigation activity is to reduce sediment transport down Fountain Creek into Pueblo County, improve water quality and reduce flood threat downstream. This project will be completed to the levels required by Reclamation.</p> <p>Applicant has submitted a letter to Reclamation, dated April 20, 2009, stating its intention and desire to achieve its obligations set forth in the Final Environmental Impact Statement, Sections 5.2.4 and 5.2.6, in the manner described in this paragraph 8. A copy of the letter has been made a part of the record.</p>	\$2.2 M check was sent to Pueblo County the week of September 30 2010 and Reclamation acknowledged the condition is met.	Design/Pre-Construction
9. Continuation of Pueblo Flow Management Program, p. 13	All SDS Participants shall cooperate in and comply with the PFMP (including Pueblo West and Security who are not signatories to the PFMP agreements at this time) and its requirements for maintaining target flows through Pueblo below Pueblo Reservoir by cessation of exchanges.	Will follow the PFMP	Ongoing
10. Implementation of Arkansas River Low Flow Program, p. 13	Colorado Springs Utilities shall promptly submit a signed Memorandum of Understanding between the Pueblo Board of Water Works and Colorado Springs Utilities which shall provide the terms and conditions under which each of the entities will contribute to and assist in the maintenance of a storage pool in Pueblo Reservoir designed to permit the release of water into the Arkansas River during times when the flow in the River could fall dangerously low, to levels at or below 50 cfs. SDS participants shall not exchange against reservoir releases made by the Board of Water Works of Pueblo or Colorado Springs Utilities for the Arkansas River Low Flow Program.	Complete - Executed on April 17, 2009	Ongoing
11. Construction and Use of North River Outlet Works, p. 14	Colorado Springs Utilities shall promptly submit to Pueblo County an executed Memorandum of Understanding with the Pueblo Board of Water Works designed to describe the manner in which the two entities will use the South Outlet Works & Joint Use Manifold and the North Outlet Works of Pueblo Dam for the provision of municipal water supplies. If approved by the Bureau of Reclamation, the North Outlet Works shall be constructed and used as the primary outlet works for SDS.	Complete - Executed on August 15, 2000	Design/Pre-Construction
12. Safety Review of Design and Construction of Structures at Pueblo Dam, p. 14	No construction shall occur at or near Pueblo Reservoir Dam (outlet modifications and pipelines west of the Pueblo West turnout) until the Bureau of Reclamation has performed its dam safety review and has accepted the design construction plans. Prior to commencement of construction, Applicant shall provide Pueblo County with written proof of such acceptance by the Bureau of Reclamation and any other required regulatory agency.	Noted	Design/Pre-Construction
13. County Road Improvements and Restoration, p. 14	The Applicant shall obtain and comply with Excavation Permits from the Pueblo County Public Works Department ("Department") for each road crossing within the County, and Access Permits from the Department for each access point onto a County road. The Applicant shall submit a Traffic Control Plan to the Department for review and approval. The Applicant shall submit a Staging Area Plan to the Department for review and approval to define construction work times, material delivery hours, noise suppression, dust abatement, construction methods, and other mitigation of construction nuisances. The Applicant shall provide a Haul Route Plan to the Department for review and approval; the Haul Route Plan shall identify the roads utilized for construction vehicle traffic, maintenance of those roads at Applicant's expense during the project, and rehabilitation of those roads to current Pueblo County Roadway Design and Construction Standards at Applicant's expense. Within thirty (30) days of the Applicant issuing a notice to proceed to its contractors to perform pipeline installation activities that require use of roads in the Haul Route Plan, the Applicant shall establish a cash payment, escrow, or other financial instrument such as a performance bond, acceptable to the County, in an amount estimated by the Department to cover the total costs for rehabilitation of the roads to County Standards (currently estimated at approximately \$6.1 million), plus estimated increases in costs over time as represented by the Construction Cost Index. The Applicant shall coordinate, design, and construct the SDS pipeline facilities so as to anticipate and accommodate future roadways and utilities across the SDS easement so as not to unreasonably preclude them or increase their costs. See <i>Mitigation Appendix, CR-1 through CR-11 with Exhibits 1-5</i> .	Noted	Phase 1

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
14. Cultural and Archaeological Resource Protections, p. 15	Applicant shall execute the Programmatic Agreement in a form substantially similar to that set forth in the FEIS with the applicable federal and State agencies and Native American Tribes. Applicant shall comply with the standards and procedures of the Programmatic Agreement to ensure the identification, avoidance, protection and disposition of cultural and archaeological resources which may be encountered during construction in Pueblo County, as required by federal and State laws and in accordance with landowner agreements. Proof of execution of the Programmatic Agreement shall be provided to Pueblo County prior to land disturbance.	Will follow the Programmatic Agreement	Ongoing
15. Acquisition of Property Interests, p. 15	Applicant shall acquire necessary property interests required for each individual work package or phase of the SDS Project in Pueblo County prior to the initiation of construction of that work package. Private property owners shall be treated fairly by the Applicant and the SDS Project shall not create undue financial burdens on existing or future residents of Pueblo County. The Applicant shall commit to using the power of eminent domain only as a last resort. The Applicant shall offer to compensate landowners to have their own appraisal done if they disagree with the Applicant's appraisal. Applicant shall reimburse landowners for relocation costs, title work, and closing costs in accordance with the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests. No landowner should have out-of-pocket expenses from the Project. Applicant shall provide proof to the County that it has secured the necessary interests in property required to construct the Project prior to starting construction at any given location. See <i>Mitigation Appendix SE-1</i> .	Noted	Design/Pre-Construction
16. Lake Level Management at Pueblo Reservoir, p. 15	Colorado Springs Utilities commits to Pueblo County as a part of the 1041 process that it will voluntarily participate, when and if the Southeastern Colorado Water Conservancy District, the Bureau of Reclamation, and any other affected party agree to participate, in developing a reservoir management plan for Pueblo Reservoir designed to protect reservoir levels and recreational opportunities on Pueblo Reservoir to the extent feasible given the potential for future changes in hydrology and water demands by project beneficiaries.	Noted	Ongoing
17. Payments In-Lieu of Property Tax, p. 15	Applicant shall minimize to the extent practicable the number of private properties acquired in fee to support construction and operation of SDS facilities. For those private properties purchased and owned in fee, Applicant shall make an annual payment in lieu of taxes equal to the value of the taxes assessed by the Pueblo County Assessor. Payment shall be made to the Pueblo County Treasury on or before April 30 of each calendar year. See <i>Mitigation Appendix SE-2</i> .	Noted	Ongoing
18. Monitoring Program and Adaptive Management for Fountain Creek and the Arkansas River, p. 16	Applicant shall implement a monitoring program to provide information on the current water quality and geomorphology (including erosion, sediment loading, and channel stability conditions) in Fountain Creek and the Arkansas River, and to track changes over time. The monitoring will assist in the selection of mitigation measures and in the assessment of the effectiveness of SDS mitigation measures on Fountain Creek and the Arkansas River. To collect data that supports the evaluations related to impacts on water quality and geomorphology, Applicant shall implement monitoring activities at defined monitoring locations in the Fountain Creek Basin and the Arkansas River. See <i>Mitigation Appendix E-1</i> . Pursuant to the Environmental Impact Statement process, Applicant has committed to engage in adaptive management, which contemplates that Applicant will undertake modified or different mitigation activities for impacts that have been identified in the EIS. If additional mitigation activities are required in order for Applicant to comply with the requirements of the ROD, any costs associated with that additional mitigation activity shall be the sole responsibility of Applicant. To the extent that monitoring and the adaptive management program causes Pueblo County to request or require that additional mitigation activities occur over and above those required by the Bureau of Reclamation, Applicant's obligation to conduct those mitigation activities shall be the responsibility of the Fountain Creek District (or FCRF, if the District is not formed) and not directly the responsibility of Applicant. Pueblo County shall be a stakeholder in the Adaptive Management Program, for purposes of this paragraph.	Will follow Monitoring Plan and Integrated Adaptive Management Plan	Ongoing
19. Colorado Springs Utilities - Wastewater Collection System Management Practices to Protect Water Quality, p. 16	Colorado Springs Utilities has committed as a condition of this Permit to continue to implement and maintain wastewater collection system improvements within the Fountain Creek drainage to prevent and minimize the impact of its wastewater system overflows or spills through prevention programs and response activities. Since 2000, it has spent \$114 million for these programs. See <i>Mitigation Appendix E-2</i> .	Noted	Ongoing
20. Construction Impact Mitigation, p. 16	Applicant shall mitigate the impacts of project construction, as set forth in the Mitigation Appendix C-1 through C-22, to include the following: • Proof of required permits and compliance • Pre-existing condition assessment of affected properties • Public information measures and responses to public complaints • Pre-mobilization readiness • Sustainable design and construction • Protection of open excavations and trenches • Construction site maintenance • Provisions for access to properties • Limits on work hours • Dewatering control • Lighting control • Dust control • Noise control • Drainage and erosion control • Traffic control • Weed control • Protection of plants and wildlife/vegetation surveys • Hazardous waste management • Management of surface and ground water flows • Protection of livestock • Site restoration Applicant shall assign a point of contact for responding to public questions, comments, and concerns during construction in Pueblo County and one-year following final construction in Pueblo County. Applicant shall also develop notices to affected residents and a website for information on construction scheduling.	Will include in Design, Drawings, and Specifications as well as provide future submittal for agency review	Construction Ongoing/Phase 1 plus 1 year
21. Juniper Pump Station Architectural Review, p. 17	Applicant shall allow Pueblo County to appoint a representative who will participate in the final selection of the architecture and landscaping for the Juniper Pump Station, along with representatives of Colorado State Parks and the Bureau of Reclamation.	Noted	Design/Pre-Construction
22. Reclamation of Disturbed Lands, p. 17	Applicant shall conduct a preconstruction evaluation of existing vegetation to be disturbed during construction of the SDS Project within Pueblo County. Upon reclamation of the site, the vegetation cover shall be of the same seasonal variety native to the area of the disturbed land, or a reasonable substitute pursuant to agreement with the landowner. The revegetated area will be considered acceptable if its cover will be not less than 90 percent of the pre-construction vegetation cover with similar species diversity. Applicant shall provide to Pueblo County a security bond equal to \$2,000/acre of land in permanent or temporary construction easement in each work package. The security bond shall be released upon establishing 90 percent of pre-construction vegetation cover on the impacted land segment. See <i>Mitigation Appendix C-9</i> .	Noted	Design/Pre-Construction
23. Stormwater Management, p. 17	The Applicant shall maintain stormwater controls and other regulations intended to ensure that Fountain Creek peak flows resulting from new development served by the SDS project within the Fountain Creek basin are no greater than existing conditions. This requirement can only apply to Project Participants who have the legal authority to regulate in this manner. Regulations shall comprehensively address peak flow conditions, runoff volumes, and flood hazards, incorporating at a minimum all relevant components of existing regulations of Colorado Springs and the other Project Participants including: regional drainage planning for low-flow and major storm events; detention; erosion and sediment control for land disturbance, construction, and similar activities; structural measures such as channel protection and engineered outfalls; prohibition of activities that infringe on the designated floodway; water quality controls, including water quality capture volume and a determination of the need for permanent BMPs; and adequate provision for maintenance of all drainage-related facilities so required. This condition shall not prevent Colorado Springs and other local jurisdictions subject to this condition from revising and improving stormwater regulations from time to time, to incorporate new technologies, management techniques, or otherwise modify regulations consistent with the intent of not exceeding historical peak flows. See <i>Mitigation Appendix E-2</i> .	Noted	Ongoing

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
24. Conservation and Reuse, p. 18	In recent years, Applicant has demonstrated a commitment to water conservation programs and local reuse. Continued commitment and local reuse will reduce the Applicant's diversions from the Arkansas River and Pueblo Reservoir and reduce flows on Fountain Creek, below what they would have been without such conservation and reuse, thereby reducing the impacts of the SDS Project in Pueblo County. Applicant has specifically committed itself to continue such conservation and reuse despite the availability of additional water from the SDS Project.	Noted	Ongoing
25. Compliance Monitoring and Reporting, p. 18	Applicant shall monitor and periodically report to Pueblo County on its compliance with this Permit. During project construction in Pueblo County, Applicant will submit a quarterly report to Pueblo County summarizing the activities during that period, forecasting activities scheduled for the upcoming period, and addressing compliance with the terms and conditions of the Permit. After commencing deliveries of water through the SDS pipeline, Applicant shall submit annual reports to Pueblo County summarizing its activities related to the SDS Project, the Permit, and addressing compliance with the terms and conditions of the Permit. Pueblo County may, at its discretion, hold public reviews of the reports and Permit compliance, including hearings in accordance with its regulations. See <i>Mitigation Appendix ENF-1</i> .	Noted	Construction and Post-Construction/Operations
26. Non compliance, p. 18	Substantial noncompliance with the terms and conditions set forth herein shall be subject to the provisions governing revocation or suspension of a permit set forth in Section 17.148.320(A) of the <u>Pueblo County Code</u> . The final resolution of issues related to noncompliance (except for the failure to pay the monetary mitigation payments as set forth in Paragraph 6 herein) and any further act of revocation or suspension of the Permit will be accomplished through the dispute resolution process described below.	Noted	Ongoing
27. Approval by Colorado Springs, p. 18	The Colorado Springs City Council must take formal action to recognize the commitments herein prior to Pueblo County's final issuance of a 1041 permit for SDS.	Complete - At the April 14, 2009 Colorado Springs City Council Meeting, the Council adopted Resolution No. 94-09 which recognized the terms and conditions of the 1041 Permit for SDS and approved each condition from 1 to 30.	Design/Pre-Construction
28. Mitigation Appendix, p. 18	The provisions of that certain Mitigation Appendix previously referenced herein and attached hereto is hereby incorporated by this reference as though fully set forth. In the event of a conflict between the provisions of the Mitigation Appendix and the terms and conditions set forth in this Resolution, then the terms and conditions set forth in this Resolution shall prevail.	Noted	Ongoing
29. Dispute Resolution, p. 19	If a dispute between the Applicant and the County arises relating to any term or condition contained in this Permit (except for the failure to pay the monetary mitigation payments as set forth in Paragraph 6), the following procedure shall be followed: A. A joint management team, comprised of three (3) representatives of each Party shall first consider any of the circumstances and contentions related to any disputed matter. If the County Manager for Pueblo County [or another representative of the County as designated by the Board of Commissioners] (County Manager) determines that Pueblo County requires technical assistance to assess a disputed matter, Applicant will pay the costs, not to exceed a total of \$150,000 for all disputes related to the Permit, of hiring a technical consultant for that purpose. B. If not resolved by agreement of the members of the joint management team, the disputed matter shall be referred by either Party to the Administrative Officers of the Parties defined below. The Administrative Officers shall hold a meeting promptly, but in no event later than fifteen (15) working days from the referral of the dispute, also attended by other staff members with direct responsibility regarding the dispute, to attempt in good faith to negotiate a resolution or cure of the dispute; provided, however, that no such meeting shall be deemed to be vitiate or reduce the obligations and liabilities of the Parties or be deemed a waiver by a Party hereto of any remedies to which such Party would otherwise be entitled unless otherwise agreed to by the Parties in writing. For purposes of this dispute resolution provision, "Administrative Officers" means the Chief Water Services Officer for Colorado Springs Utilities and the county Manager [or another representative of the County as designated by the Board of Commissioners]. C. If, within fifteen (15) working days after such meeting, the Parties have not succeeded in negotiating a resolution of the dispute, they agree to submit the dispute to non-binding mediation with Applicant to bear the costs of the mediation. D. The Parties agree to participate in good faith in the mediation and related negotiations for a period of 30 calendar days. The substantive and procedural law of the State of Colorado shall apply to the proceedings. If the Parties are not successful in resolving the dispute through mediation, then the Parties shall be free to pursue any other legal remedy including the remedies contained in any conditions or commitments appended to or made a part of the Permit. The Parties agree to reasonably expedite any legal proceedings brought hereunder in order to obtain a prompt resolution. The venue for these legal proceedings shall be the District Court of Pueblo County.	Noted	Ongoing
30. Integrated Terms and Conditions, p. 20	In issuing this Permit, the Board of County Commissioners has determined that the benefits accruing to the County and its citizens from the SDS Project (subject to the terms and conditions set forth herein) outweigh the unavoidable impacts and losses of resources within the County. Consequently, if any term or condition herein is deemed invalid and unenforceable, this Permit shall be rescinded or suspended unless the Board of County Commissioners, in its discretion, approves a Permit amendment.	Noted	Ongoing
ENVIRONMENTAL CONDITIONS/MITIGATION: Water Quality and Sediment Monitoring Program. (Appendix E-1 of the Resolution)			
Mitigation Appendix E-1, p. 2 of 28	Applicant shall implement a monitoring program to provide information on water quality and sediment conditions in Fountain Creek and Arkansas River, and track changes over time. (See the full-text of the Mitigation Appendix for complete details, commitments of record from the "Project Detail" section are summarized below.)	Will follow the Monitoring Plan	Ongoing
Mitigation Appendix E-1, Project Detail, Water Quality Monitoring, ¶1, p. 2 of 28	Colorado Springs Utilities will monitor specific water quality constituents to include dissolved selenium, E. coli, ammonia, and salinity as measured by specific conductance. To monitor water quality, samples will be taken from each of the 13 monitoring locations, shown in Figures 1 through 3 within the Fountain Creek Basin and along the Arkansas River monthly, starting at the beginning of project construction, until the SDS project begins operation and then quarterly once the project is online. Pre-operation monitoring shall consist of no less than 2 years of monthly-collected data before or during construction of the project. At least two samples will be taken at each monitoring site following standard procedure according to the National Field Manual for the Collection of Water-Quality Data (Field Manual). One sample from each monitoring location will be filtered for inorganic solid constituents in the field according to section 5.2 of the Field Manual to get an accurate reading of dissolved selenium. The other sample from each monitoring location will be analyzed for E. coli, ammonia and salinity. All samples will be managed in accordance with the Field Manual or approved EPA criteria for sample collection and management and analyzed by a State-certified laboratory capable of detecting each constituent below the Maximum Contaminant Level (MCL) or other applicable compliance criterion. Samples will be analyzed in accordance with standard ASTM or EPA-approved methods.	Will follow the Monitoring Plan	Ongoing
Mitigation Appendix E-1, Project Detail, Water Quality Monitoring, ¶2, p. 2 of 28	In addition to the water quality constituents referenced above, Springs Utilities will monitor both the inlet and outlet to Lower Williams Creek Reservoir for methyl mercury on a quarterly basis following the start of reservoir operations for a period of one year, then annually for four years thereafter. Samples will be collected and analyzed following standards procedures according to the Field Manual and EPA Method 1630.	Will follow the Monitoring Plan	Ongoing
Mitigation Appendix E-1, Project Detail, Water Quality Monitoring, ¶3, p. 2 of 28	Springs Utilities will use effluent monitoring from its wastewater treatment plants to demonstrate the plants are operating in accordance with all required specifications and standards. In addition, Springs Utilities will conduct additional monitoring in accordance with monitoring requirements adopted and participated in by all other regional wastewater treatment agencies (i.e., those in the Fountain Creek basin, Pueblo and Pueblo West wastewater treatment plants) including monitoring programs associated with emerging contaminants or other contaminant analyses. CSU will take into consideration and maintain records of other reliable information presented to it by outside sources.	Noted	Ongoing
Mitigation Appendix E-1, Project Detail, Geomorphic Monitoring, ¶1, p. 5 of 28	In addition to water quality monitoring, geomorphic monitoring is also required. Ten cross-sections will be established at designated points along Fountain Creek to monitor for degradation, aggradation, and other changes to the geomorphologic surface. Each cross-section will be surveyed once per year during low stream flow; preferably in the winter when leaves and other organic material on the ground is at a minimum. Cross-sections will be accurate to standards for normal transect surveys, with a vertical tolerance of approximately 0.01 foot in measurements of channel elevation.	Will follow the Monitoring Plan and Geomorphic Plan	Ongoing
Mitigation Appendix, Project Detail, Geomorphic Monitoring, ¶2, p. 5 of 28	Data gathered by the water quality and geomorphic monitoring programs will be assembled and entered into an electronic database accessible to Pueblo County upon request. Monthly data gathered before SDS comes online will be used as a baseline to compare against once flows from SDS start entering Fountain Creek in 2012. Data will be categorized by type, date, and location. These data, along with other data collected through independent sampling and monitoring efforts will be the basis for making decisions as part of the adaptive management strategy.	Will follow the Monitoring Plan and Geomorphic Plan	Ongoing
ENVIRONMENTAL CONDITIONS/MITIGATION: Drainage Regulations (Appendix E-2 of the Resolution)			

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Mitigation Appendix E-2, p. 6 of 28	At all times water is delivered through the Southern Delivery System, the Applicant, including all Participants, shall maintain stormwater controls and other regulations intended to ensure that Fountain Creek peak flows and runoff volumes received from development served by the SDS project are no greater than existing conditions, or at levels as appropriate to prevent damage to presently existing downstream facilities. Regulations shall address peak flow and runoff volume, conditions and flood hazards, incorporating at a minimum all relevant components of existing Colorado Springs regulations, including: regional drainage planning for low-flow and major storm events; detention; erosion and sediment control for land disturbance, construction, and similar activities; structural measures such as channel protection and engineered outfalls; prohibition of activities that infringe on the designated floodway; water quality controls, including water quality capture volume and a determination of the need for permanent best management practices (BMPs); and adequate provision for maintenance of all drainage-related facilities so required. This condition shall not prevent Colorado Springs and other local jurisdictions subject to this condition from revising and improving stormwater regulations from time to time, to incorporate new technologies, management techniques, or otherwise modify regulations consistent with the intent of preventing the exceedance of historical peak flows.	Noted	Post-Construction/Operations
CONSTRUCTION CONDITIONS/MITIGATION: Protection of Open Excavations and Trenches. (Appendix C-1 of the Resolution)			
Mitigation Appendix C-1, p. 6 of 28	Applicant shall provide safe work sites for the residents of Pueblo County.	Noted	Construction
Mitigation Appendix C-1, Project Detail, Item 1, p. 6 of 28	Comply with applicable Codes, Standards, Laws and Regulations relating to the safety of persons or property or to the protection of persons or property from damage, injury, or loss; and shall erect and maintain safeguards for such safety and protection.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-1, Project Detail, Item 2, p. 6 of 28	Provide and maintain temporary security fences to protect the Work Sites. Temporary security fencing is described in more detail in Construction Conditions C-3.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-1, Project Detail, Item 3, p. 6 of 28	Inspect open excavations and trenches for compliance with safety plans and document in daily inspection reports.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-1, Project Detail, Item 4, p. 6 of 28	Limit the maximum length of open trench to 400 linear feet.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-1, Project Detail, Item 5, p. 7 of 28	Shore or bench excavations as required by OSHA regulations.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-1, Project Detail, Item 6, p. 7 of 28	Protect streets, roads, highways, and other public thoroughfares that are closed to traffic by barricades with warning signs per Manual of Uniform Traffic Control Devices (MUTCD).	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-1, Project Detail, Item 7, p. 7 of 28	Provide signage and lighting to alert general public of construction hazards, which could include surface irregularities, unramped walkways, grade changes, and trenches or excavations in roadways and in other public access areas.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-1, Project Detail, Item 8, p. 7 of 28	Designate a qualified and experienced safety representative at the Work Site whose duties and responsibilities shall be the maintaining, supervising and enforcement of safety plans and programs.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Lighting (Appendix C-2 of the Resolution)			
Mitigation Appendix C-2, p. 7 of 28	Applicant shall minimize adverse light impacts to Pueblo County residents during night time hours.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-2, Project Detail, Item 1, p. 7 of 28	Comply with applicable Codes, Standards, Laws and Regulations relating to providing lighting for the safety of persons or property, or to the protection of property from damage, injury, or loss.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-2, Project Detail, Item 2, p. 7 of 28	Notify property owners within 500 feet of the site 48 hours prior to any night work, except in the case of emergency night work.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-2, Project Detail, Item 3, p. 7 of 28	Design lighting to prevent spillover, nuisance, or hazard effects of light and glare on adjacent locations and uses of land.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-2, Project Detail, Item 4, p. 7 of 28	Position, to the extent practical, lighting used for security around equipment storage areas away from residences and oncoming traffic. The use of cut-off type luminaires is required. Light bulbs and light sources shall be shielded so that they are not directly visible from any adjacent lot or public roadway. Spillover of lighting for adjacent properties will not exceed one half of one (0.50) foot-candle measured at any point ten feet (10') beyond a property line.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-2, Project Detail, Item 5, p. 7 of 28	Provide individual light sources not exceeding 150,000 lumens per light source (typical of a 1250W metal halide light). Light standards will not exceed 24 feet in height. Generators used to power light sources will not exceed 70 dB at 25 feet from the source.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Construction Site Maintenance. (Appendix C-3 of the Resolution)			
Mitigation Appendix C-3, p. 8 of 28	Applicant shall maintain construction sites and equipment in a safe and secure manner for the protection of the public.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 1, p. 8 of 28	Comply with applicable Codes, Standards, Laws and Regulations relating to the safety of persons or property, or to the protection of persons or property from damage, injury, or loss, and shall erect and maintain safeguards for such safety and protection.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 2, p. 8 of 28	Protect open trenches as described in Construction Condition C-1.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 3, p. 8 of 28	Close open ends of installed pipeline during non-working periods.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 4, p. 8 of 28	Close access manholes during non-working hours.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 5, p. 8 of 28	Provide barricades and light as necessary to prevent unauthorized entry to construction areas and affected roads, streets, and alleyways, inside and outside of fenced area, and as required to ensure public safety and the safety of project personnel and others who may be affected by the Work.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 6, p. 8 of 28	Lock or otherwise disable construction equipment during non-working hours.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 7, p. 8 of 28	Store materials and equipment in secure areas and arrange partitions to provide security of contents and ready access for inspection and inventory. Combustible materials (paint, solvents, fuels) shall be stored in a well-ventilated building meeting safety standards. Hazardous materials shall be stored according to product specification, codes, and manufacturer's instructions.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 8, p. 8 of 28	Lock controlled access points (private property gates) providing entry to construction sites and maintain a secure key control to prevent unauthorized access.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 9, p. 8 of 28	Perform work within right-of-way and easements in a systematic manner that minimizes inconvenience to property owners and the public and interferes as little as possible with public travel, whether vehicular or pedestrian. This will include that no residence or business will be cut off from vehicular traffic for a period exceeding 4 hours unless special arrangements have been made. Whenever it is necessary to cross, close or obstruct roads, driveways, and walks, whether public or private, safe bridges, detours, or other temporary expedient access for accommodation of public and private travel will be provided and maintained.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 10, p. 8 of 28	Sweep roadways, streets, and walkways affected by the work and adjacent to the work when necessary.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 11, p. 8 of 28	Erect temporary security fencing around active construction areas. Fences around open trenches, staging areas, material storage areas, and equipment storage areas may be standard plastic orange construction fence, 4 feet high, with posts at intervals not greater than 20 feet. Temporary 4-strand barbed wire fences shall be installed wherever necessary to prevent livestock from migrating out of their designated pasture. Temporary fences shall be maintained as needed during the construction period. Material selection for fencing between work area and adjacent property will be agreed upon between Applicant and the property owner.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 12, p. 9 of 28	Inspect site safety measures each work day and periodically during non-working days.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-3, Project Detail, Item 13, p. 9 of 28	Provide 24/7 security services including mobile patrols, lighting and video surveillance.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Control of Access to Property. (Appendix C-4 of the Resolution)			
Mitigation Appendix C-4, p. 9 of 28	Applicant shall prevent unauthorized access to properties.	Noted	Ongoing
Mitigation Appendix C-4, Project Detail, Item 1, p. 9 of 28	Work with property owners, both public and private, to understand the conditions of ingress and egress, security issues, property control and protection issues, regarding the property, prior to mobilization to a specific work area.	Noted	Design/Pre-Construction
Mitigation Appendix C-4, Project Detail, Item 2, p. 9 of 28	Establish mutually agreeable conditions of access with property owner, and require all personnel accessing the site to sign a statement indicating that they understand and will abide by the conditions of access.	Owner will manage	Construction
Mitigation Appendix C-4, Project Detail, Item 3, p. 9 of 28	Grant access to enter the property only to those individuals that have a legitimate SDS related need to access the property, and then shall only do so under the previously agreed access conditions.	Will include in Design, Drawings, and Specifications	Construction

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Mitigation Appendix C-4, Project Detail, Item 4, p. 9 of 28	Provide signs at gates and access points notifying individuals that specific conditions of entry exist.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-4, Project Detail, Item 5, p. 9 of 28	Close and secure gates and entry points by a locking mechanism when not in use. Conditions of entry will specify approved access times and conditions on open gates.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-4, Project Detail, Item 6, p. 9 of 28	Strictly control access to keys to entry point locks. Recipients of keys will be required to sign when receiving the key, and again when returning the key. Recipients will be required to advise the Site Health & Safety Officer when they have lost or misplaced a key. Keys will be required to be of a non-duplicating type. Locks and keys will be changed when a key is reported lost or misplaced.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-4, Project Detail, Item 7, p. 9 of 28	Designate the Site Health and Safety Officer to monitor the access control system.	Owner will manage	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Pre-existing Condition Assessment (Appendix C-5 of the Resolution)			
Mitigation Appendix C-5, p. 9 of 28	Applicant shall determine the condition of Pueblo County residents' existing property so that it can be restored to preconstruction condition or better.	Noted	Design/Pre-Construction
Mitigation Appendix C-5, Project Detail, Item 1, p. 9 of 28	Perform an examination of pre-construction existing conditions of land surface, drainage, vegetation and structures adjacent to the construction site that could be damaged or altered by construction operations. The property owner will be invited to attend.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix C-5, Project Detail, Item 2, p. 9 of 28	Perform periodic reexaminations, if required, to document any changes, including, but not limited to, cracks in structures, settlement, leakage, and similar conditions. Examinations may include photography, sampling and expert assessments of existing or current conditions.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix C-5, Project Detail, Item 3, p. 10 of 28	Document examinations in writing, and by photographs and audio-video recordings. Photography shall be by a professional commercial photographer, experienced in shooting interior/exterior construction photos, in daylight and nighttime conditions, and in good and inclement weather.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix C-5, Project Detail, Item 4, p. 10 of 28	Provide a copy of documentation to property owner for review and acceptance. A copy of the documentation shall be provided to the County. Applicant and the County shall each maintain a copy of the documentation. Such documentation shall be used as indisputable evidence in ascertaining whether and to what extent damage occurred as a result of Applicant's operations.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
CONSTRUCTION CONDITIONS/MITIGATION: Work Hours (Mitigation Appendix C-6 of the Resolution)			
Mitigation Appendix C-6, p. 10 of 28	Applicant shall limit work hours to minimize disturbance to Pueblo County residents.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-6, Project Detail, Item 1, p. 10 of 28	Perform work within the hours of 7:00 am to 6:00 pm Monday through Friday. Work outside of these hours will be restricted to maintenance of traffic, safety, and construction controls, maintenance of construction equipment, and approved exceptions. Pueblo County and residences within 500 feet of the affected portion of the work site shall be notified 48 hours in advance of work outside of these hours, other than maintenance or emergency work.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Permitting (Mitigation Appendix C-7 of the Resolution)			
Mitigation Appendix C-7, p. 10 of 28	Applicant shall obtain all applicable permits.	Noted	Design/Pre-Construction
Mitigation Appendix C-7, Project Detail, Item 1, p. 10 of 28	Obtain permits and comply with permit conditions and applicable regulations. Permits may include those listed below and in Section C, Table C-1 of the 1041 Application, as well as other permits that may be required under Federal, State, County or local regulatory jurisdiction.	Noted	Ongoing
Mitigation Appendix C-7, Project Detail, Item 2, p. 11 of 28	Provide copies to Pueblo County within 60 days of obtaining permits.	Noted	Ongoing
CONSTRUCTION CONDITIONS/MITIGATION: Dewatering (Mitigation Appendix C-8 of the Resolution)			
Mitigation Appendix C-8, p. 11 of 28	Applicant shall minimize dewatering impacts on Pueblo County properties and watercourses.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-8, Project Detail, Item 1, p. 11 of 28	Obtain a construction dewatering permit from the Colorado Department of Public Health and the Environment (CDPHE).	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix C-8, Project Detail, Item 2, p. 11 of 28	Create and implement a water control plan that includes descriptions of proposed ground and surface water control facilities including, but not limited to: equipment, methods, standby equipment and power supply, pollution control facilities, discharge locations, and provisions for temporary water supply; drawings showing locations, dimensions, and relationships of elements of each system; design calculations demonstrating accuracy of proposed dewatering system and components. Copies of plan will be provided to Pueblo County within 60 days of approval by CDPHE.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix C-8, Project Detail, Item 3, p. 12 of 28	Control water during the course of construction, including weekends and holidays and during periods of work stoppages. Adequate backup systems shall be in place to maintain control of water.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-8, Project Detail, Item 4, p. 12 of 28	Remove surface water controls when they are no longer needed.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-8, Project Detail, Item 5, p. 12 of 28	Furnish, operate and maintain dewatering systems of sufficient size and capacity to continuously maintain excavations free of water, regardless of source, until backfilled to final grade.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-8, Project Detail, Item 6, p. 12 of 28	Design and operate dewatering systems to prevent the loss of soil as water is removed, to avoid inducing settlement or damage to existing facilities, completed work, or adjacent property, and to relieve artesian pressures and resultant uplift of excavation bottom.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-8, Project Detail, Item 7, p. 12 of 28	Be responsible to obtain and comply with the requirements set forth in any applicable well permits required by the State.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Site Restoration (Mitigation Appendix C-9 of the Resolution)			
Mitigation Appendix C-9, p. 12 of 28	Applicant shall provide Pueblo County residents with replacement vegetation and property to match pre-construction conditions or better.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-9, Project Detail, Item 1, p. 12 of 28	Grade disturbed areas to preconstruction contours so preconstruction drainage paths are reestablished.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-9, Project Detail, Item 2, p. 12 of 28	Reclaim disturbed land, except water areas and surface areas of roads, by seeding or planting to achieve a permanent vegetation cover as specified below. a. In accordance with Construction Condition C-5, a pre-construction evaluation of existing vegetation will be conducted to determine species diversity, woody plant density, and seasonal variety. b. Vegetation cover will be of the same seasonal variety native to the area of disturbed land, or species that support the post-construction land use. In those areas of disturbed vegetation where such seeds are not commercially available, seeds will be collected on-site to be used in re-vegetation, including, rare plants identified in the FEIS, by the Colorado Natural Heritage Program or by other qualified investigators. c. Seeding and planting of disturbed areas will be conducted during the first normal period for favorable planting conditions after final preparation for seeding or planting. d. Soil stabilizing practices will be used on all regraded and topsoiled areas. e. The re-vegetated area will be considered acceptable if the re-vegetated area cover is not less than 90 percent of the pre-construction vegetation cover with similar species diversity. The pipeline access road will not be included in the 90 percent coverage calculation.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-9, Project Detail, Item 3, p. 13 of 28	Restore roads and driveways so that: a. Surfaces are finished level with existing surfaces. b. Sealed roadways are finished to match existing seal (asphalt, spray seal, etc). c. Unsealed roadways are to be finished to match existing surface. Concrete roadways/driveways shall be reinstated in such a manner as to match existing surface. Portions of slab damaged or rendered unstable by undermining (whether inadvertently or deliberately) should be included in the portion to be reinstated.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-9, Project Detail, Item 4, p. 13 of 28	Restore damaged or injured property including outbuildings, to a condition similar or better to that existing before the damage or injury occurred, by repairing, rebuilding, or restoring the property.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-9, Project Detail, Item 5, p. 13 of 28	Restore or replace fences and gates that are disturbed during the construction.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-9, Project Detail, Item 6, p. 13 of 28	Provide Pueblo County a security bond equal to \$2,000 per acre of land in permanent or temporary construction easement in each work package. The security bond shall be reimbursed in full to the Applicant two years following the final completion of the construction contract, upon successful revegetation, as described above. If successful revegetation is not achieved, the security bond will be forfeited in the amount of \$2,000 for each acre, or fraction of an acre, that has not been successfully revegetated.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Public Communications (Mitigation Appendix C-10 of the Resolution)			
Mitigation Appendix C-10, p. 13 of 28	Applicant shall keep Pueblo County residents informed of the SDS project and upcoming construction activities.	Noted	Ongoing
Mitigation Appendix C-10, Project Detail, Item 1, p. 14 of 28	Assign a point of contact for responding to public questions, comments and concerns. The point of contact shall continue for one year following the final construction in Pueblo County.	Complete - Point of contact information is provided on the SDS project website, www.sdswater.org.	Ongoing
Mitigation Appendix C-10, Project Detail, Item 2, p. 14 of 28	Establish a local telephone number (a "hot-line") to allow citizens' access to the Public Communications Office and team throughout the duration of the Project. This telephone number will be included in the public information measures listed below, as well as on job site signage. The hot-line will be a combination of pre-recorded and live operator communications.	Complete - Hotline numbers (719.668.7582 or 866.719.4SDS) have been established and are listed on the SDS project website.	Ongoing

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Mitigation Appendix C-10, Project Detail, Item 3, p. 14 of 28	Develop and maintain a website that will include details of current and future project activities (i.e. schedules, type of work, phases, etc.)	Complete - The SDS project website includes project details.	Ongoing
Mitigation Appendix C-10, Project Detail, Item 4, p. 14 of 28	Deliver individual resident "mailers" notifying each resident of future construction activity near their home. Residences within 500 feet of an upcoming construction zone will be informed thirty (30) days prior to construction. The mailers will include details of when construction will begin; when completion is planned; what types of activities are expected; an overview of the Project; and the hot-line number.	Owner will manage	Construction
Mitigation Appendix C-10, Project Detail, Item 5, p. 14 of 28	Distribute individual resident "door hangers" to properties within 500 feet of the construction site. These will serve as reminders of future construction activities, and will be distributed approximately seven (7) days prior to construction.	Owner will manage	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Dust and Other Air Emission Controls (Dust Control) (Mitigation Appendix C-11 of the Resolution)			
Mitigation Appendix C-11, p. 14 of 28	Applicant shall minimize fugitive dust impacts to County residents.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-11, Project Detail, Item 1, p. 14 of 28	Prepare, submit and implement a fugitive dust control plan as required by the Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division. A copy of the plan will be submitted to Pueblo County.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix C-11, Project Detail, Item 2, p. 14 of 28	Implement standard fugitive dust control practices as specified in the fugitive dust control plan, including: a. Watering unpaved roads on site. b. Limiting vehicle speeds to 30 mph on site. c. Covering excavated material with synthetic or natural cover or preventing sediment movement from the pile using silt fence. d. Installing vehicle tracking control at access points to the site. e. Re-vegetating disturbed areas as described in Construction Condition C-9 as soon as appropriate to reduce dust sources. f. Sweeping paved streets as necessary to remove construction dust.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-11, Project Detail, Item 3, p. 14 of 28	Perform particulate monitoring using real-time particulate monitors that are capable of monitoring particulate matter less than ten microns (PM10). Particulate levels will be monitored immediately downwind at the working site and integrated over a period not to exceed 15 minutes. Monitoring will be conducted a minimum of once a day, with additional testing conducted if complaints are received. Instrumentation shall require necessary averaging hardware to accomplish this task. In order to ensure the validity of the fugitive dust measurements performed, there will be appropriate Quality Assurance/Quality Control (QA/QC) that includes the following features: periodic instrument calibration, operator training, daily instrument performance (span) checks, and record keeping. The action level will be established at 150µg/m3 over the integrated period not to exceed 15 minutes. If particulate levels are detected in excess of 150 µm/m3, the upwind background level must be measured immediately using the same portable monitor. If the working site particulate measurement is greater than 100 µm/m3 above the background level, additional dust suppression techniques must be implemented to reduce the generation of fugitive dust.	Owner will manage	Construction
Mitigation Appendix C-11, Project Detail, Item 4, p. 15 of 28	Use construction equipment that meets Colorado opacity standards for operating emissions. Construction equipment will be emissions tested at an approved facility prior to use on the site. This test will be performed each year that the equipment is used on the project. The certificates of approval for each item of construction equipment will be maintained by Applicant and be available for inspection by Pueblo County if requested.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-11, Project Detail, Item 5, p. 15 of 28	Do not burn waste materials, rubbish, or other debris on or adjacent to the construction site.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Drainage and Erosion Control (Sediment Control) (Mitigation Appendix C-12 of the Resolution)			
Mitigation Appendix C-12, p. 15 of 28	Applicant shall maintain soil within construction zone.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-12, Project Detail, Item 1, p. 15 of 28	Obtain a permit for Drainage and Erosion Control within a construction site: General Permit – Stormwater Discharges Associated with Construction Activity (Permit No: COR-030000).	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix C-12, Project Detail, Item 2, p. 15 of 28	Implement a Stormwater Management Plan (SWMP) and Best Management Practices (BMPs) per Colorado Department of Transportation (CDOT) Erosion Control and Stormwater Quality Guide.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-12, Project Detail, Item 3, p. 15 of 28	Perform a pre-existing condition assessment of areas potentially subject to sedimentation from SDS construction as described in Construction Condition C-5.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix C-12, Project Detail, Item 4, p. 15 of 28	Restore lands outside of the work area that have been impacted by sediment from SDS construction consistent with Construction Condition C-9.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-12, Project Detail, Item 5, p. 15 of 28	Shall not release sediment impacting more than 4 square feet of land outside of the work.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Pre-Mobilization Readiness Review (Mitigation Appendix C-13 of the Resolution)			
Mitigation Appendix C-13, p. 16 of 28	Applicant shall perform pre-mobilization readiness reviews prior to Applicant's contractor's beginning on-site construction activities.	Noted	Design/Pre-Construction
Mitigation Appendix C-13, Project Detail, Item 1, p. 16 of 28	Prepare a Project Execution Plan (PEP) for each Work Package of the SDS Project (i.e. Pump Station, Pipeline Segment, Water Treatment Plant). The PEP will be structured to standardize and codify the project planning process for consistency and quality of implementation.	Owner will manage	Design/Pre-Construction
Mitigation Appendix C-13, Project Detail, Item 2, p. 16 of 28	Perform a Pre-Mobilization Readiness Review to determine the project's readiness for mobilization of field activities. Pueblo County will be invited to participate in the review. Subject mater of a Readiness Review will, at a minimum, include: a. Safety management and Emergency Preparedness policies and procedures. b. Quality Assurance/Quality Control programs and procedures. c. Required local, state and federal permits and agency approvals have been acquired, the Contractor is aware of permit requirement and limitations, and appropriate Contractor policies and procedures are in place for compliance. d. Site and security controls are in place. e. Communications systems are in place and operational. f. Temporary facilities are in place where required. g. Safety plan and safety representative. h. Utility Locations have been verified. i. Agency Approvals (incl. Pueblo County). j. Applicant shall verify that land, easement, and right-of-way acquisitions are complete and what limitations are related to Project access.	Noted	Design/Pre-Construction
CONSTRUCTION CONDITIONS/MITIGATION: Traffic Control (Mitigation Appendix C-14 of the Resolution)			
Mitigation Appendix C-14, p. 16 of 28	Applicant shall provide for safe vehicular and pedestrian traffic.	Noted	Construction
Mitigation Appendix C-14, Project Detail, Item 1, p. 16 of 28	Develop a traffic control plan complying with the applicable standards of the Manual on Uniform Traffic Control Devices. The Traffic Control Plan will be signed by an individual certified by the Colorado Department of Transportation (CDOT) or the American Traffic Safety Services Association (ATSSA), as a Worksite Traffic Control Supervisor, whose signature shall constitute certification that the plan meets or exceeds MUTCD standards. The plan will include drawings(s) of the project location showing phases of the project, a list of the posted speed limits throughout the project, and a drawing(s) of the traffic control measures to be employed at the project site. Traffic control plans will be subject to approval by the Pueblo West Department of Public Works and/or the Pueblo County Department of Public Works Road and Bridge Division.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-14, Project Detail, Item 2, p. 17 of 28	Comply with the Haul Route Plan accepted by Pueblo County.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Protection of Plants and Wildlife (Mitigation Appendix C-15 of the Resolution)			
Mitigation Appendix C-15, p. 17 of 28	Applicant shall control impacts to native endangered and threatened flora and fauna.	Noted	Ongoing
Mitigation Appendix C-15, Project Detail, Item 1, p. 17 of 28	Protect native endangered and threatened flora and fauna in accordance with the Final Environmental Impact Statement.	Noted	Ongoing
Mitigation Appendix C-15, Project Detail, Item 2, p. 17 of 28	Submit a wildlife mitigation plan to the Colorado Division of Wildlife in accordance with their regulations prior to construction. This Plan will include actions that Applicant proposes to mitigate impacts that the SDS Project may have on fish and wildlife. As required by that statute, the Wildlife Commission will evaluate the probable impact of the project on fish and wildlife. The Applicant shall provide the official wildlife mitigation plan and official state position to Pueblo County Staff prior to construction.	The Fish and Wildlife Mitigation Plan was presented to the Colorado Water Conservation Board and approved on May 19, 2010. Final approval of meeting minutes occurred on September 14, 2010.	Design/Pre-Construction

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Mitigation Appendix C-15, Project Detail, Item 3, p. 16 of 28	Coordinate with Bureau of Reclamation to release flows to the Arkansas River through the flood control gates when the North Outlet Works is unavailable due to construction activities.	The Pueblo Dam Connection specifications, drawings, construction management plan state that the Spillway Gates (aka. Flood control gates) are to be used when construction is occurring on the North Outlet Works to control river releases.	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Noxious Weed Control (Mitigation Appendix C-16 of the Resolution)			
Mitigation Appendix C-16, p. 17 of 28	Applicant shall control spread of noxious weeds resulting from project construction.	Noted	Construction
Mitigation Appendix C-16, Project Detail, Item 1, p. 17 of 28	Provide a person experienced in field identification of noxious weeds to locate existing noxious weeds that will be disturbed during construction in advance of ground-disturbing construction activities.	Owner will manage	Design/Pre-Construction
Mitigation Appendix C-16, Project Detail, Item 2, p. 17 of 28	If List A species are found, provide to the State Weed coordinator mapping data pertinent to each population including: a. Species name b. Population location(s) including distribution and abundance c. Estimated infested acreage	Noted	Design/Pre-Construction
Mitigation Appendix C-16, Project Detail, Item 3, p. 17 of 28	Implement an eradication program within the project limits. Eradicate existing Class A and B noxious weed populations.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-16, Project Detail, Item 4, p. 17 of 28	Adopt the following methods to prevent the spread of noxious weeds during construction. a. Major equipment (track equipment, rubber tire loaders, and backhoes) will be cleaned by high pressure air or water spray before being delivered to the project site. b. Use weed free seed, mulch, and borrow material. c. Use 100-percent certified weed free seed and mulch. Locally or regionally available seed and mulch will be used when practicable.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-16, Project Detail, Item 5, p. 18 of 28	Disturbed areas will be re-seeded as soon as practicable after the disturbance ends.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Hazardous Waste Management (Mitigation Appendix C-17 of the Resolution)			
Mitigation Appendix C-17, p. 18 of 28	Applicant shall ensure that hazardous waste are appropriately managed.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-17, Project Detail, Item 1, p. 18 of 28	Follow regulations to the handling, storage, transportation, and disposal of hazardous materials as set forth in the Code of Federal Regulation (CFR) 1910.120, DOT, EPA and NRC regulations, as applicable. The type and quantity of these materials will be small quantities (paints, solvents, fuels, etc.).	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-17, Project Detail, Item 2, p. 18 of 28	Development and implement Health, Safety and Environmental plans including hazardous material management in compliance with Federal, State and Local regulations prior to mobilizing on-site for Project construction.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction Construction
CONSTRUCTION CONDITIONS/MITIGATION: Sustainable Design (Mitigation Appendix C-18 of the Resolution)			
Mitigation Appendix C-18, p. 18 of 28	Applicant shall, where practical, design SDS facilities to be sustainable or "green".	Noted	Design/Pre-Construction
Mitigation Appendix C-18, Project Detail, Item 1, p. 18 of 28	Make an effort to balance cut and fill for site grading and backfill to reduce imported or exported material.	Noted	Design/Pre-Construction
Mitigation Appendix C-18, Project Detail, Item 2, p. 18 of 28	Use site and building design to promote energy and resource conservation.	Noted	Design/Pre-Construction
Mitigation Appendix C-18, Project Detail, Item 3, p. 18 of 28	Motors and electrical equipment will be high-efficiency rated. Efficiencies will be determined by testing as set forth in ANSI/IEEE 112-Standard Test Procedures for Polyphase Induction Motors and Generator, Method B or Method F.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
CONSTRUCTION CONDITIONS/MITIGATION: Sustainable Construction Practices (Mitigation Appendix C-19 of the Resolution)			
Mitigation Appendix C-19, p. 18 of 28	Applicant shall, where practicable, use sustainable construction practices.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-19, Project Detail, Item 1, p. 19 of 28	Create opportunities for sustainable construction.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-19, Project Detail, Item 2, p. 19 of 28	Prepare a materials handling plan including recycling and reuse. This plan shall identify materials expected to be encountered during demolition, site clearing, field office operations, equipment maintenance, etc. In this plan, the Applicant shall define how these materials will be handled to maximize recycling and reuse opportunities and to minimize permanent disposal of such items including used motor oil, waste paper, removed asphalt, removed concrete, used tires, etc.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix C-19, Project Detail, Item 3, p. 19 of 28	Use minimum 10-percent bio diesel in construction equipment.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-19, Project Detail, Item 4, p. 19 of 28	Purchase local goods and services to the maximum extent possible consistent with sound procurement practices and local availability. Such purchases may include bulk commodities where longer shipping distances are not economical, such as fuel, lubricants, oils, sand and gravel, masonry, and concrete.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Surface Water and Groundwater Flows (Mitigation Appendix C-20 of the Resolution)			
Mitigation Appendix C-20, p. 19 of 28	Applicant shall restore ground and surface water supplies to pre-construction conditions.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-20, Project Detail, Item 1, p. 19 of 28	Restore disturbed surfaces to pre-construction contours, as defined by the aerial survey and mapping.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-20, Project Detail, Item 2, p. 19 of 28	Perform pre-construction hydrologic investigations on properties that have active springs along the pipeline route. Design and construct the pipeline to prevent injury to springs. a. Use "flowable fill" for bedding and pipe zone material. b. Use native material that was removed from the trench in the trench zone above the pipe. c. Use trench plugs in areas where groundwater is encountered to prevent flow along the trench line.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
CONSTRUCTION CONDITIONS/MITIGATION: Protection of Livestock (Mitigation Appendix C-21 of the Resolution)			
Mitigation Appendix C-21, p. 19 of 28	Applicant shall protect livestock on lands crossed by the project during construction.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-21, Project Detail, Item 1, p. 19 of 28	Work jointly with landowners and livestock owners to determine grazing areas, watering points and livestock pathways to food and water.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix C-21, Project Detail, Item 2, p. 20 of 28	Provide access for livestock through farm areas, do not cut off ready access points of farmlands in which livestock are pastured, provide alternate accessible water sources, maintain existing fences required to restrain livestock, and keep gates closed and secure.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-21, Project Detail, Item 3, p. 20 of 28	Temporarily relocate livestock away from construction activities if requested by livestock owner.	Will include in Design, Drawings, and Specifications	Construction
CONSTRUCTION CONDITIONS/MITIGATION: Noise Control (Mitigation Appendix C-22 of the Resolution)			
Mitigation Appendix C-22, p. 20 of 28	Applicant shall minimize noise impacts to adjacent property owners.	Noted	Construction
Mitigation Appendix C-22, Project Detail, Item 1, p. 20 of 28	Comply with OSHA, State of Colorado, and local noise control standards, requirements, and regulations.	Will include in Design, Drawings, and Specifications	Construction
Mitigation Appendix C-22, Project Detail, Item 2, p. 20 of 28	Measure baseline noise conditions prior to construction work commencing. The baseline will be the average noise reading over three 24-hour periods at each receptor lot-line location or at 1-mile intervals, whichever is greater.	Owner will manage	Design/Pre-Construction

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Mitigation Appendix C-22, Project Detail, Item 3, p. 20 of 28	Periodically monitor generated sound levels and record decibel levels. Should noise exceed appropriate standards, the operation will be ceased and noise mitigation measures will be implemented.	Owner will manage	Construction
Mitigation Appendix C-22, Project Detail, Item 4, p. 20 of 28	Develop a noise control plan to mitigate construction noise and to comply with appropriate standards.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix C-22, Project Detail, Item 5, p. 20 of 28	Any excessively high decibel level work, such as blasting or pile driving will be performed between the limited hours of 9:00 am and 5:00 pm to minimize disruptions.	Will include in Design, Drawings, and Specifications	Construction
SOCIO-ECONOMIC CONTRACTING PRACTICES: Securing Land Through Easements, Fee Purchase, or Condemnation (Mitigation Appendix SE-1 of the Resolution)			
Mitigation Appendix SE-1, p. 20 of 28	Applicant shall secure land necessary for construction of the project in a fair and equitable manner.	Will follow the Socio-Economic CMP	Design/Pre-Construction
Mitigation Appendix SE-1, Project Detail, Item 1, p. 20 of 28	Treat private property owners fairly and commit to using the power of eminent domain only as a last resort.	Will follow the Socio-Economic CMP	Design/Pre-Construction
Mitigation Appendix SE-1, Project Detail, Item 2, p. 20 of 28	Offer to compensate landowners to have their own appraisal done if they disagree with the applicant's appraisal.	Will follow the Socio-Economic CMP	Design/Pre-Construction
Mitigation Appendix SE-1, Project Detail, Item 3, p. 20 of 28	Reimburse landowners for relocation costs, title work, and closing costs. No landowner should have out-of-pocket expenses from the project for these activities.	Will follow the Socio-Economic CMP	Design/Pre-Construction
Mitigation Appendix SE-1, Project Detail, Item 4, p. 21 of 28	Provide proof to Pueblo County that they have secured the necessary rights to construct the project prior to starting construction at any given location.	Noted	Design/Pre-Construction
SOCIO-ECONOMIC CONTRACTING PRACTICES: Payment in Lieu of Property Taxes (Mitigation Appendix SE-2 of the Resolution)			
Mitigation Appendix SE-2, p. 21 of 28	Applicant shall reimburse Pueblo County for property taxes lost due to acquisition of land in fee.	Noted	Ongoing
Mitigation Appendix SE-2, Project Detail, Item 1, p. 21 of 28	Preferentially acquire easements and minimize to extent practicable, the number of private properties acquired in fee to support construction and operation of SDS.	Noted	Design/Pre-Construction
Mitigation Appendix SE-2, Project Detail, Item 2, p. 21 of 28	For those private properties purchased and owned in fee, make an annual payment in lieu of taxes equal to the value of the taxes assessed by the Pueblo County Assessor.	Noted	Ongoing
Mitigation Appendix SE-2, Project Detail, Item 3, p. 21 of 28	Payment shall be made to Pueblo County treasury on or before April 30 of each calendar year.	Noted	Ongoing
Mitigation Appendix SE-2, Project Detail, Item 4, p. 21 of 28	Upon successful closing of private property purchase.	Noted	Ongoing
Mitigation Appendix SE-2, Project Detail, Item 5, p. 21 of 28	This mitigation is ongoing until private properties purchased are sold or conveyed to another private owner.	Noted	Ongoing
OPERATIONAL PRACTICES (Mitigation Appendices O-1, O-2, and O-3 of the Resolution)			
Mitigation Appendix O-1, Release Rate Limit, p. 21 of 28	Applicant shall limit the maximum release rate from the Williams Creek Reservoir to 300 cubic feet per second.	Noted	Post-Construction/Operations
Mitigation Appendix O-2, Pipeline Drainage, p. 21 of 28	Applicant shall limit the release rate of drains from the pipeline to a drainageway to the equivalent of less than a 2-year storm event in that drainageway, except in the case of emergency.	Noted	Post-Construction/Operations
Mitigation Appendix O-3, Pipeline Capacity, p. 21 of 28	Applicant shall limit the rate of water pumped by the Juniper Pump Station to 78 mgd.	Noted	Post-Construction/Operations
ENFORCEMENT PRACTICES: Compliance Monitoring and Reporting (Mitigation Appendix ENF-1 of the Resolution)			
Mitigation Appendix ENF-1, p. 22 of 28	Applicant shall monitor and report on compliance with the conditions of the 1041 permit.	Noted	Ongoing
Mitigation Appendix ENF-1, Project Detail, Item 1, p. 22 of 28	1. Submit a quarterly report during project construction in Pueblo County that will provide a summary of activities related to the Conditions of the permit. The report will summarize the activities occurring in the reporting period, and a forecast of activities planned in the upcoming period. Contents of the report will include (as applicable): a. Safety incident log. b. Citizen call log. c. Description of mitigation and restoration activities (i.e., quantity and location of repaired road surface, reseeding, etc.). d. List of non-compliance issues by contractors (silt releases, work hour infractions, fines and penalties). e. Sustainable construction practices employed. f. Schedule and key milestones met and forecast. g. Location and extent of excavations. h. Instances of work outside normal work hours, except maintenance activities. i. Status of site maintenance, security and access control to properties. j. Location and extent of dewatering activities. k. Status of other required permits, including compliance with the programmatic agreement to protect cultural resources. l. Dust monitoring summary. m. Status of drainage and erosion control measures. n. Status of plant and wildlife protection requirements. o. Status of measures to protect surface and groundwater flows. p. Status of livestock protection measures. q. Status of Clear Spring Ranch project. r. Status of pump station architectural review. s. Status of land acquisition. t. Status of compliance with requirements concerning Pueblo County Roads. u. Status of dredging at the levees on Fountain Creek in Pueblo. v. Status of reclamation and bonding for disturbed areas. w. Status of the written MOU for construction and use of the North River Outlet Works. x. Acceptance of the design of structures at Lake Pueblo Dam by the BOR. y. Status of conservation strategies, local reuse, stormwater management, drainage regulations and enforcement. z. Status of stormwater and wastewater system improvements per permit commitments. aa. Status of NEPA, ROD, contract negotiations with BOR and notice of NEPA-required mitigation and any project changes resulting from contract negotiations. bb. Status of payments in lieu of property taxes. cc. Copies of the annual reports on the SDS Project submitted to Reclamation.	Noted	Ongoing

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Mitigation Appendix ENF-1, Project Detail, Item 2, p. 23 of 28	2. Submit an annual report to Pueblo County that will provide a summary of activities related to the SDS Project and the Conditions of the Permit. These reports will be due annually on or before January 31, beginning the year following commencement of water deliveries through the SDS pipeline. The reports shall include a signed certification of compliance with the Permit. Contents of the report will include, but will not be necessarily limited to: <ul style="list-style-type: none"> a. Summary of storage, diversion, delivery of water in Pueblo County. b. Summary of Participants' return flows to Fountain Creek including storage and releases of such return flows (maximum daily flows, average annual and monthly flows and amounts). c. Summaries of exchanges by Participants between Pueblo Reservoir and the Fountain Creek confluence (monthly and annual rates of flow and quantities). d. Use of any new water rights to be delivered or stored through SDS (amount, time, source). e. Water quality monitoring. f. Geomorphology monitoring. g. Status of adaptive management plans on Fountain Creek. h. Status of payments into the Fountain Creek monetary mitigation fund. i. Status of expenditures for wastewater system improvements for Participants (and third party users in the Fountain Creek basin) per Permit Conditions. j. Reports on the operation of the Pueblo Flow Management Program and the Low Flow Program (rates, and quantities, and times of foregone exchanges, releases, and reception documentation). k. Status of lake level management cooperative efforts with other entities at Pueblo Reservoir. l. Status of conservation and local reuse. m. Payments to Pueblo County in lieu of property taxes. n. Copies of the annual reports on the SDS Project submitted to Reclamation. 	Noted	Ongoing
COUNTY ROADS - CONDITIONS/MITIGATION (Mitigation Appendices CR-1 through CR-11 of the Resolution)			
Mitigation Appendix CR-1, Excavation Permit, p. 24 of 28	Applicant shall make application for an Excavation Permit with the Pueblo County Public Works Department (Department) for each road crossing and comply with all conditions of that permit	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-2, Access Permit, p. 24 of 28	Applicant shall make application for an Access permit with the Department for each access point onto a County roadway and comply with all conditions of that permit.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-3, Traffic Control Plan, p. 24 of 28	Applicant shall submit a Traffic Control Plan to the Department for review and approval, for the project which conforms to applicable standards of the Manual on Uniform Traffic Control Devices.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-3, Project Detail, Item 1, p. 24 of 28	The traffic control plan shall be developed and administered by a certified Traffic Control Supervisor or their authorized personnel.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-4, Plan - Route / Easement Construction	Applicant shall provide a plan to the Department defining the use of the pipeline route/easement as a construction "Staging Area" for approval.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-4, Project Detail, Item 1, p. 25 of 28	The Staging Area Plan shall define construction work times, material delivery hours, noise suppression, dust abatement, construction methods, and other mitigation of construction nuisances. Deviation from the plan will require approval by the Department prior to a change in use.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-5, Haul Route Plan, p. 25 of 28	Applicant shall provide a Haul Route Plan, for use of the public road system to provide access to the Staging Area/pipeline easement, to the Department for review and approval.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-5, Project Detail, Item 1, p. 25 of 28	The Haul Route Plan will identify the roads utilized by the applicant for construction vehicle traffic, maintenance of those roads during the project and rehabilitation of those roads. For the purpose of this plan, "construction vehicle" shall mean those vehicles requiring operators to possess a Commercial Drivers License (CDL) and/or weighting more than 10,001 pounds.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-5, Project Detail, Item 2, p. 25 of 28	The Haul Route Plan shall identify the final treatment for utilized roads and be developed cooperatively between Colorado Springs Utilities and the Department.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-5, Project Detail, Item 3, p. 25 of 28	The roads utilized in the Haul Route Plan shall be maintained by the applicant during pipeline construction periods such that they are passable by the motoring public at all times except when identified in an approved Traffic Control Plan as "Closed" or as otherwise approved by the Department.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-5, Project Detail, Item 4, p. 25 of 28	All road rehabilitation and maintenance work on the Haul Route Plan roads shall comply with the Pueblo County Roadway Design and Construction Standards.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-5, Project Detail, Item 5, p. 25 of 28	Costs for maintenance of the Haul Route Plan roads shall be borne solely by the applicant.	Noted	Construction
Mitigation Appendix CR-5, Project Detail, Item 6, p. 25 of 28	The applicant shall initiate maintenance at the discretion of the Pueblo County Director of Public Works.	Noted	Construction
Mitigation Appendix CR-6, Haul Route to Staging Area, p. 25 of 28	Applicant shall limit the haul route from the "Staging Area" to the State Highway System to those roads identified in the above defined "Haul Route Plan Map" dated 12-31-08 ("Exhibit 1" and Haul Route Plan Road Table "Exhibit 2") or Haul Route Plan approved by the Department prior to commencement of pipeline installation activities that require use of roads identified in the Haul Route Plan.	Noted	Construction
Mitigation Appendix CR-6, Project Detail, Item 1, p. 25 of 28	Said plan shall be incorporated within construction plan and specification documents. Identification by the applicant of additional roads they desire to be included in the Haul Route Plan for dedicated project uses will require approval by the Department.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-6, Project Detail, Item 2, p. 26 of 28	The Department may include roads in the plan if it is determined that they are being used by the applicant's representative or their contractor by above identified "construction vehicles".	Noted	Construction
Mitigation Appendix CR-6, Project Detail, Item 3, p. 26 of 28	The Department will notify the applicant, prior to inclusion in the Haul Route Plan, of the observed use of non Haul Route Plan roads. Incidental use of roads not specifically designated on the Haul Route plan is approved for the applicant, their representatives or contractor's vehicles weighing less than 10,001 pounds and/or not requiring a CDL license.	Noted	Construction
Mitigation Appendix CR-7, Cash Payment/Escrow/Other Financial Instrument, p. 26 of 28	Applicant shall establish a cash payment, escrow, or other financial instrument such as a performance bond, acceptable to the Department and the Pueblo County Attorney, to Pueblo County, in an amount estimated by the Department to cover the total costs for rehabilitation of the roads identified in the approved Haul Route Plan (currently estimated at approximately \$6.1 million) plus estimated increases in costs over time as represented by the Construction Cost Index, to Pueblo County Roadway design and Construction Standards (Standards) as noted in "Exhibit 4" within thirty days of the applicant issuing a notice to proceed to its contractors to perform pipeline installation activities that require use of roads identified in the Haul Route Plan.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
Mitigation Appendix CR-7, Project Detail, Item 1, p. 26 of 28	If a financial instrument is selected, said financial instrument shall be held by Pueblo County until such time as the rehabilitation of Haul Route Plan roads are accepted by the County.	Noted	Design/Pre-Construction and Construction

1041 Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
Mitigation Appendix CR-7, Project Detail, Item 2, p. 26 of 28	The financial instrument is to be for an amount sufficient to cover the estimated costs established in "Exhibit 4", for rehabilitation of the Haul Route Plan roads plus estimated increases in costs over time as represented by the Construction Cost Index.	Noted	Design/Pre-Construction and Construction
Mitigation Appendix CR-7, Project Detail, Item 3, p. 26 of 28	It will be at the discretion of the Public Works Director to determine when it is necessary to commence rehabilitation of individual roads identified in the Haul Route Plan.	Noted	Design/Pre-Construction and Construction
Mitigation Appendix CR-7, Project Detail, Item 4, p. 26 of 28	Upon request of the Public Works Director, the applicant will be required to submit funds to the Department necessary to perform the rehabilitation of the individual roads selected by the Director of Public Works.	Noted	Design/Pre-Construction and Construction
Mitigation Appendix CR-7, Project Detail, Item 5, p. 26 of 28	The applicant will have 30 days to provide the requested funds to the Department. Upon such a request and payment of the funds, the applicant will be relieved of any further rehabilitation, maintenance or warranty obligation for that road section. Upon receipt of the requested funds, the total value of the financial instrument may be reduced by a same amount, less any increased cost over estimated costs in "Exhibit 4", at the discretion of the applicant.	Noted	Design/Pre-Construction and Construction
Mitigation Appendix CR-7, Project Detail, Item 6, p. 27 of 28	Pueblo County will commence maintenance of rehabilitated roads upon their completion and final acceptance by the County. Attached as "Exhibit 3" is the minimum defined cross-section and treatment for identified Haul Route Plan roads. The minimum pavement section may change based upon the outcome of a "Pavement Structure Design" which conforms to the Standards. In any event, all reasonable costs associated with rehabilitation of Haul Route Plan roads will be borne solely by the applicant including engineering design, construction, drainage, etc.	Noted	Design/Pre-Construction and Construction
Mitigation Appendix CR-8, Drainage Calculations/Blow-off Valves, p. 27 of 28	Applicant shall provide to the Department for review and approval, drainage calculations performed by a professional engineer licensed to practice in the State of Colorado, detailed plans on the "Blow-Off Valves".	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix CR-8, Project Detail, Item 1, p. 27 of 28	The plans shall include any necessary drainage structures and erosion control measures and be incorporated into the construction plans.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix CR-9, Stormwater Management Plan, p. 27 of 28	Applicant shall submit a Stormwater Management Plan accepted by the responsible jurisdiction to the Department and incorporate that Stormwater Management Plan into the construction plans.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Mitigation Appendix CR-10, Future Roadways/Utilities p. 27 of 28	Applicant shall not unreasonably prohibit the installation of future roadways and utilities across the utility easement. Future roadways are expected to be surface crossings at existing grade for a typically defined roadway section in the Pueblo County Roadway Design and Construction Standards today or as modified in the future.	Noted	Ongoing
Mitigation Appendix CR-10, Future Roadways/Utilities, Item 1, p. 27 of 28	Applicant shall not unreasonably prohibit the installation of future roadways and utilities across the utility easement. Future roadways are expected to be surface crossings at existing grade for a typically defined roadway section in the Pueblo County Roadway Design and Construction Standards today or as modified in the future.	Noted	Ongoing
Mitigation Appendix CR-11, Final Plans/Specifications, p. 28 of 28	Applicant shall submit to Pueblo County, which reserves the right to review, the final construction plans and specifications, final Haul Route Plan, final Staging Area Plan, and other supporting documents and to modify these conditions of approval based upon that review to conform to final documents.	Noted	Design/Pre-Construction

ATTACHMENT 6

**Table of Commitments for the El Paso County
Approvals of Location (six total)**

Southern Delivery System
Environmental Commitments Plan
ATTACHMENT 6

Table of Commitments for the El Paso County Location Approvals

Notes:
Subheaders and conditions listed are provided verbatim from the permit/approval document

Location Approval Condition					Programmatic Implementation Plan		
RWP Reference Section (Resolution No. U-09-002)	FWP Reference Section (Resolution No. U-09-003)	BPS Reference Section (Resolution No. U-09-004)	UWCR Reference Section (Resolution No. U-09-005)	EFS Reference Section (Resolution No. U-09-007)	Commitment	Compliance Approach	Phase
Conditions of Approval							
1	1	1	1	1	Site Development Plan Conditions Contained in the Conditions of Approval - Prior to excavation or construction, approval of site development plans by El Paso County Development Services for the pump station and construction staging and storage areas is required. Site development plan applications shall include, but are not limited to the following information:	Future submittal for agency approval	Design/Pre-Construction
1.a.	1.a.	1.a.	1.a.	1.a.	Site Development plan drawings	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
1.b.	1.b.	1.b.	1.b.	1.b.	Final drainage/hydraulics report (necessary to address design of blowoff valves)	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
1.c.	1.c.	1.c.	1.c.	1.c.	Final grading and erosion control plan	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
1.d.	1.d.	1.d.	1.d.	1.d.	Erosion and Stormwater Quality Control Permit (ESQCP)	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
1.e.	1.e.	1.e.	1.e.	1.e.	Construction plans for road and drainage improvements (if needed)	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
1.f.	1.f.	Not included	Not included	Not included	Landscape plans, including detailed revegetation specification to enhance wildlife habitat (DOW-approved)	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
Not included	Not included	1.f.	1.f.	1.f.	Detailed landscape plan focusing on areas around buildings (acknowledging security considerations) roadways/access areas and recreational use areas, and detailed revegetation specifications for other	Will include in Design, Drawings, and Specifications and future submittal for agency approval	
Not included	Not included	1.g.	1.g.	1.g.	Documentation of Federal Emergency Management Agency (FEMA) approval for construction in the 100-year floodplain	Will include in Design, Drawings, and Specifications and future submittal for agency approval	
1.g.	Not included	Not included	Not included	Not included	Copy of site development plans for restoration and enhancement of Fountain Creek crossing and documentation of Watershed District and Federal Emergency Management Agency (FEMA) approvals for construction in the 100 year floodplain	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
1.h.	1.g.	1.h.	1.h.	1.h.	Lighting plans and detailed specifications, including plans and specifications for temporary lighting	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
1.i.	1.h.	1.i.	1.i.	1.i.	Sign Plans	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
1.j.	1.i.	1.j.	1.j.	1.j.	Elevations of structures	Will include in Design, Drawings, and Specifications and future submittal for agency approval	Design/Pre-Construction
1.k.	1.j.	1.k.	1.k.	1.k.	Noxious weed management plan, approved by El Paso County Environmental Services	Future submittal for agency approval	Design/Pre-Construction
1.l.	1.k.	1.l.	1.l.	1.l.	Clearance letter from the United States Fish and Wildlife Service (USFWS)	Copy to be included in Site Development Plan	Design/Pre-Construction
1.m.	1.l.	1.m.	1.m.	1.m.	Wildlife habitat surveys required by the Colorado Division of Wildlife (DOW)	Copy to be included in Site Development Plan	Design/Pre-Construction
1.n.	1.m.	1.n.	1.n.	1.n.	State of Colorado approved Fish and Wildlife Mitigation Plan	Copy to be included in Site Development Plan	Design/Pre-Construction
1.o.	1.n.	1.o.	1.o.	1.o.	Colorado Department of Health and Environment (CDPHE)-approved surface and groundwater quality monitoring plans	Copy to be included in Site Development Plan	Design/Pre-Construction and Construction
Not included	Not included	1.p.	1.p.	1.p.	Integrated Adaptive Management Plan	Copy to be included in Site Development Plan	Design/Pre-Construction
Not included	Not included	Not included	1.q.	1.q.	Approved permit for dam construction from the State Engineer's Office (FOR UPPER WILLIAMS CREEK RESERVOIR AND EXCHANGE FLOW SYSTEM ONLY)	Copy to be included in Site Development Plan	
1.p.	1.o.	1.q.	1.r.	1.r.	Executed Programmatic Agreement for Cultural and Archeological Resource Protection	Copy to be included in Site Development Plan	Design/Pre-Construction
1.q.	1.p.	1.r.	1.s.	1.s.	Approved United States Army Corps of Engineers permit for ground-disturbing activities in wetland areas	Copy to be included in Site Development Plan	Design/Pre-Construction
1.r.	1.q.	1.s.	1.t.	1.t.	Current fire protection commitment letters from the Hanover Fire Protection District, the Cimarron Hills Fire Protection District, and the City of Colorado Springs	Copy to be included in Site Development Plan	Design/Pre-Construction
Not included	Not included	1.t.	Not included	Not included	Emergency response information for this site, as developed following consultation with PSD and DSD	Copy to be included in Site Development Plan	
Not included	Not included	Not included	1.u.	1.u.	Documentation that the Emergency Action Plan has been approved by State and local authorities (FOR UPPER WILLIAMS CREEK RESERVOIR AND EXCHANGE FLOW SYSTEM ONLY)	Copy to be included in Site Development Plan	Design/Pre-Construction (Phase 2)
1.s.	1.r.	1.u.	1.v.	1.v.	Documentation of landowner consent to proceed with construction	Copy to be included in Site Development Plan	Design/Pre-Construction
2	2	2	2	2	The approval of location shall be conducted in accordance with the regulations of El Paso County, conditions of approval and notations of the Planning Commission, and the accompanying documents/reports in the Development Service file for the approval of location application.	Noted	Ongoing
3	3	3	3	3	The Environmental Commitments listed in Chapter 5 of the FEIS, as well as the Participants' Commitments listed in the Bureau of Reclamation's Record of Decision (ROD) (GP-2009-01, March 20, 2009), as amended, shall be considered as binding minimum commitments. The more restrictive requirements between the ROD commitments, the El Paso County regulations, and other agency requirements shall apply.	Noted	Ongoing
4	4	4	4	4	No expansion, enlargement, or modification of the approval of location shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.	Noted	Ongoing
5	5	5	5	5	The hours of operation during the construction and long term maintenance of the facility shall be limited to 7:00 am to 6:00 pm, Monday through Saturday, except in unusual circumstances. Non-typical circumstances may include 24-hour tunneling operations, extended time needed to expeditiously restore traffic flow and/or public access, extended time needed to ensure public health and safety, or extended time needed to maintain utility service. Approval from the County Engineer shall be obtained prior to commencing work during non-typical circumstances. During emergency situations, including risks to public health and safety, work may proceed following by notification to the County Engineer by the end of the next business day.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
6	6	6	6	6	Any signage must be approved by the El Paso County Development Services Division in accordance with Chapter 6 of the El Paso County Land Development Code.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
7	7	7	7	7	Site lighting, including temporary lighting, will be limited to that shown on site development plans. Detailed specifications shall be provided. All light fixtures shall be directional and positioned so that the light sources are concealed and fully shielded from adjacent properties and roads.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
8	8	8	8	8	Operations shall comply with the County Noise Ordinance. If complaints occur, the County may require that the developer conduct additional testing to determine noise levels associated with construction or vehicle traffic noise levels. The County may require changes to haul route and/or hours of operation, or noise controls may need to be installed to achieve acceptable levels as defined in the County Noise Ordinance.	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
9	9	9	9	9	The applicant shall monitor surface and groundwater quality as to ensure compliance with United States Environmental Protection Agency (EPA)/CDPHE standards. A CDPHE-accepted monitoring plan shall be developed and submitted to the County with each site development plan application. The applicant shall mitigate any significant increase in pollutant levels attributed to construction, as defined by applicable water quality standards of the EPA/CDPHE.	Copy to be included in Site Development Plan	Construction
10	10	10	10	10	The applicant shall consult with the USFWS regarding compliance with the Migratory Bird Treaty Act. Operations are planned to occur during the primary nesting season or at any other time which may result in the taking of nesting migratory birds, the Service recommends that the project proponent (or construction contractor) arrange to have a qualified biologist conduct a field survey of the affected habitats and structures to determine the absence or presence of nesting migratory birds. Surveys should be conducted during the nesting season. It is further recommended that the results of field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) for potential review by the Service (if requested) until such time as construction on the proposed project has been completed. The USFWS Colorado Field Office should be contacted immediately for further guidance if a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities.	Copy to be included in Site Development Plan	Design/Pre-Construction
11	11	11	11	11	The applicant shall consult with the Colorado Division of Wildlife (DOW) regarding need for surveys, including a burrowing owl survey, and provide required surveys and mitigation plans prior to approval of each site development plan application.	Copy to be included in Site Development Plan	Design/Pre-Construction
12	Not included	Not included	Not included	Not included	Detailed plans for the Fountain Creek, Williams Creek, and Jimmy Camp Creek crossings, approved by the DOW and USFWS, shall be provided with the site development plan. (FOR RAW WATER PIPELINE ONLY)	Will include in Design, Drawings, and Specifications	Design/Pre-Construction (Phase 1)
Not included	12	Not included	Not included	Not included	Surveys and mitigation plans pertaining to the Colorado Natural Heritage Program Potential Conservation Area between Jimmy Camp Creek and Sand Creek shall be submitted with site development plans. (FOR FINISHED WATER PIPELINE ONLY)	Will include in Design, Drawings, and Specifications	Design/Pre-Construction
Not included	Not included	Not included	Not included	12	Detailed plans for the Fountain Creek intersections (where the pipeline and ditch meet the creek) and for Williams Creek and Jimmy Camp Creek crossings, approved by the DOW and USFWS, shall be provided with the applicable site development plan. (FOR EXCHANGE FLOW SYSTEM ONLY)	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction (Phase 2)
Not included	13	Not included	Not included	Not included	Detailed plans for the Sand Creek Crossing, approved by the DOW and USFWS, shall be provided with the site development plan. (FOR FINISHED WATER PIPELINE ONLY)	Will include in Design, Drawings, and Specifications	Design/Pre-Construction and Construction
13	14	12	12	13	The applicant shall provide copies of State and County air quality permits prior to approval of each site development plan application.	Copy to be included in Site Development Plan	Design/Pre-Construction
14	15	13	13	14	Each construction staging and storage area will require separate approval of location and site development plan approvals.	Future submittal for agency approval	Design/Pre-Construction
Not included	Not included	Not included	14	15	Recreation facilities, including but not limited to, parks, trails, trailheads and grounds, shall require separate approval of location and site development plan approvals (FOR UPPER WILLIAMS CREEK RESERVOIR AND EXCHANGE FLOW SYSTEM ONLY)	Future submittal for agency approval	Design/Pre-Construction (Phase 2)
15	16	14	15	16	The applicant shall comply with all applicable local, State, and federal laws and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous materials on and off site.	Noted	Construction

Location Approval Condition					Programmatic Implementation Plan		
RWP Reference Section (Resolution No. U-09-002)	FWP Reference Section (Resolution No. U-09-003)	BPS Reference Section (Resolution No. U-09-004)	UWCR Reference Section (Resolution No. U-09-005)	EFS Reference Section (Resolution No. U-09-007)	Commitment	Compliance Approach	Phase
16	17	15	16	17	The applicant shall comply with federal and state laws, regulations, ordinances, review and permit requirements of applicable agencies including, but not limited to: Colorado Division of Wildlife, Colorado Department of Transportation, Colorado Department of Public Health and Environment, State Engineer's Office, United States Army Corps of Engineers (USACE), Environmental Protection Agency, FEMA, and the United States Fish and Wildlife Service regarding the Endangered Species Act particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.	Noted	Design/Pre-Construction and Construction
17	18	16	17	18	The applicant shall execute and comply with the Programmatic Agreement for Cultural and Archeological Resource Protection.	Noted	Ongoing
18	19	17	18	19	The applicant shall acquire property interests necessary for construction and provide proof that such interests have been secured with site development plan application submittals. The approval is valid and only in effect if the applicant is able to obtain all necessary easements and approvals from each private property owner.	Noted	Design/Pre-Construction
19	20	18	19	20	This approval of location shall be subject to annual reporting by the applicant on January 31 annually and review by Development Services Department to determine compliance with all applicable requirements and standards of the El Paso County regulations and the conditions and safeguards imposed upon the approval of location by the Planning Commission. Upon completion of each periodic review, the Development Services Department shall forward its report and any recommendations to the Planning Commission, Board of County Commissioners and the holder of the approval of location. The annual report shall include:	Noted	Ongoing
19.a.	20.a.	18.a.	19.a.	20.a.	Evaluation of compliance with El Paso County conditions of approval		
19.b.	20.b.	18.b.	19.b.	20.b.	Copies of State inspection reports and documentation on compliance, including the reports to CDPHE		
19.c.	20.c.	18.c.	19.c.	20.c.	Copies of federal inspection reports and documentation on compliance		
Not included	Not included	18.d.	19.d.	20.d.	Integrated Adaptive Management Plan		
19.c. (dup ref per resolution)	20.c. (dup ref per resolution)	18.e.	19.e. (dup ref per resolution)	20.e.	Dust control report		
19.d.	20.d.	18.f.	19.d. (dup ref per resolution)	20.f.	Weed control report		
19.e.	20.e.	18.g.	19.e.	20.g.	Wildlife management report (any occurrences or actions regarding compliance with State or federal requirements)		
19.f.	20.f.	18.h.	19.f.	20.h.	Cultural resources report (any occurrences or actions regarding compliance with State or federal requirements)		
19.g.	20.g.	18.i.	19.g.	20.i.	Groundwater and surface water monitoring report addressing water quality and quantity		
19.h.	20.h.	18.j.	19.h.	20.j.	Vegetation monitoring report (status of revegetation efforts)		
19.i.	20.i.	18.k.	19.i.	20.k.	Complaint log and how the issues were resolved		
19.j.	20.j.	18.l.	19.j.	20.l.	Emergency response log and how the issues were resolved		
19.k.	20.k.	18.m.	19.k.	20.m.	Log of when work occurred during non-typical work hours (work outside the hours of 7:00 am and 6:00 pm) and rationale by which the work was deemed necessary.		
20	21	19	20	21	The approval of location shall be deemed abandoned, and the approval of location shall not be of full force and effect if the primary intended use has not been substantially implemented by December 31, 2016, or if the primary intended use has been discontinued for a period of two (2) consecutive years.	Noted	Post-Construction/Operations
21	22	20	21	22	County Erosion and Stormwater Quality Control Permits (ESQCPs) shall be obtained prior to construction. All disturbed areas shall be promptly stabilized and revegetated in accordance with Best Management Practices (BMPs) as outlined in the Drainage Criteria Manual, Volume II.	Will include in Design, Drawings and Specifications	Design/Pre-Construction and Construction
22	23	21	22	23	Access Permits shall be obtained for all temporary and permanent accesses to the project from County roads.	Future submittal for agency approval	Design/Pre-Construction
23	24	22	23	24	Construction Permits, Work in Right-of-Way Permits, and Special Transport Permits shall be obtained when necessary for construction in or through County rights-of-way. Traffic control plans, haul route plans, and Common Use Agreements may also be required.		
Not included	Not included	Not included	24	Not included	A final dam break analysis map shall be provided prior to approval of the site development plan for the reservoir. (FOR UPPER WILLIAMS CREEK RESERVOIR ONLY)	Copy to be included in Site Development Plan	Design/Pre-Construction (Phase 2)
Not included	Not included	Not included	25	Not included	A separate approval of location application will be required for the proposed relocation of Bradley Road around the proposed Upper Williams Creek Reservoir. A thorough analysis of feasible alternatives to the satisfaction of El Paso County and Schriever Air Force Base shall be provided. (FOR UPPER WILLIAMS CREEK RESERVOIR ONLY)	Future submittal for agency approval	Design/Pre-Construction (Phase 2)
Not included	Not included	Not included	26	Not included	Should the County, in conjunction with this Southern Delivery System project, be required to vacate right-of-way, including that which may exist pursuant to road orders declared by County Resolutions recorded at Book A, Page 78, and/or Book 571 Page 55 of the County's records, a condition of and at the time of such vacation the City/Colorado Springs Utilities agrees that it shall provide an equivalent or greater (as necessary due to any roadway relocation) contribution of right-of-way in exchange for the right-of-way lost through such vacation. (FOR UPPER WILLIAMS CREEK RESERVOIR ONLY)	Noted	Design/Pre-Construction (Phase 2)
Not included	Not included	Not included	Not included	25	The Meridian Road alignment through a portion of the subject property (Williams Creek Reservoir) has been master planned in the County's Corridor Preservation Plan of the Major Transportation Corridors Plan (MTCPP) (2004). The proposed location of the reservoir will directly conflict with this alignment. Therefore, the applicant shall be required to: a. Provide assistance through participation in the upcoming MTCPP update as necessary to determine feasible options for the Meridian Road alignment around the proposed reservoir. b. Should the County, in conjunction with this Southern Delivery System project, be required to vacate right-of-way, including that which may exist pursuant to road orders declared by County Resolutions recorded at Book A, Page 78 and/or Book 571 Page 55 of the County's records, as a condition of and at the time of such vacation the City/Colorado Springs Utilities agrees that it shall provide an equivalent or greater (as necessary due to any roadway relocation) contribution of right-of-way in exchange for the right-of-way lost through such vacation. At least one feasible alignment for the future Meridian Road shall be determined prior to the approval of the site development plan for Williams Creek Reservoir.	Noted	Design/Pre-Construction (Phase 2) May require early action to account for item 31.a
Not included	Not included	23	27	26	The Applicant shall obtain and comply with Construction and Access permits from El Paso County Public Services Department ("PSD") for each road crossing within the County, and Access Permits from the PSD for each access point onto a County road. The Applicant shall submit a Traffic Control Plan to PSD and Development Services Division for review and approval. The applicant shall submit a Staging Area Plan to PSD and Development Services Division for review and approval to define construction work times, material delivery hours, noise suppression, dust abatement, construction methods, and other mitigation of construction nuisances. The Applicant shall provide a Haul Route Plan to PSD and Development Services Division for review and approval; the Applicant and PSD will inspect all potentially impacted roads and agree on their status and existing condition; the Haul Route Plan shall identify the roads utilized for construction vehicle traffic, maintenance of those roads at Applicant's expense during the project and rehabilitation of those roads to preexisting status and condition at Applicant's expense. Maintenance and rehabilitation costs, based upon preexisting status and condition, shall be negotiated and presented to the BOCC for approval prior to administrative approval of each site development plan application. Within thirty (30) days of the Applicant issuing a notice to proceed to its contractor(s) to establish a cash payment, escrow, or other financial instrument such as a performance bond, acceptable to the County, in an amount estimate by PSD and Development Services Division to cover the total costs for rehabilitation of the roads to their preexisting status and condition, plus estimated increase in costs over time as represented by the Construction Cost Index. The Applicant shall coordinate, design and construct the SDS pipeline facilities as to accommodate future roadway and utilities across the SDS facilities so as not to unreasonably preclude them or increase their costs where they are specifically identified by PSD or Development Services Division at the time of construction. (FOR BRADLEY PUMP STATION ONLY)	Will include in Design, Drawings and Specifications and future submittal for agency approval	Design/Pre-Construction

ATTACHMENT 7

**Table of Commitments for the Fountain Creek
Watershed, Flood Control, and Greenway
District Resolution 2010-01**

Southern Delivery System
Environmental Commitments Plan
ATTACHMENT 7

Table of Commitments for the Fountain Creek Watershed, Flood Control, and Greenway District Resolution 2010-01

Notes:
Subheaders and conditions listed are provided verbatim from the permit/approval document

Fountain Creek Watershed Condition		Programmatic Implementation Plan	
Reference Section	Commitment	Compliance Approach	Phase
f3, p. 2	BE IT FURTHER RESOLVED that for each of the five location approvals (El Paso County) identified below, the Board adopted the conditions of the TAC and CAG, which are as follows:	See approaches described below	Ongoing
Technical Advisory Committee (TAC)			
Condition 1, p. 3	Detailed site development plans shall be submitted to the District for review of the two (2) areas of the Fountain Creek floodplain that are directly impacted by construction: Raw Water Pipeline and Exchange Flow Pipeline crossings.	Noted	Design/Pre-Construction
Condition 2, p. 3	The Integrated Adaptive Management Plan (IAMP) shall be submitted to the District for review, and periodic reports on water quality and quantity shall be provided to the District. The Integrated Adaptive Management Plan (IAMP) will include how mitigation will be performed in case there are problems that were not anticipated during the project. This will include means and methods to address impacts from the project and specific triggers to initiate the process. Once the IAMP is finalized there will be an opportunity for comment.	Colorado Springs Utilities, the Project Manager for SDS, has completed the Integrated Adaptive Management Plan, and it will be submitted to Reclamation before the contracts are finalized.	Ongoing
District Citizens' Advisory Group (CAG)			
Condition 1, p. 3	Detailed site development plans shall be submitted to the District for review of the two areas of the Fountain Creek floodplain that are directly impacted by the construction: Raw Water Pipeline and Exchange Flow Pipeline crossings.	Noted	Design/Pre-Construction
Condition 2, p. 3	The Integrated Adaptive Management Plan (IAMP) shall be submitted to the District for review, and periodic reports on water quality and quantity shall be provided to the District.	Colorado Springs Utilities, the Project Manager for SDS, has completed the Integrated Adaptive Management Plan, and it will be submitted to Reclamation before the contracts are finalized.	Ongoing
Condition 3, p. 3	The inclusion of Paragraph #23 of the Recommended Terms and Conditions and Mitigation of Project Impacts: SDS 1041 Application, of March 18, 2009. <u>23. Stormwater Management</u> The Applicant shall maintain stormwater controls and other regulations intended to ensure that Fountain Creek peak flows resulting from new development served by the SDS project within the Fountain Creek basin are no greater than existing conditions. This requirement can only apply to Project Participants who have the legal authority to regulate in this manner. Regulations shall comprehensively address peak flow conditions, runoff volumes, and flood hazards, incorporating at a minimum all relevant components of existing regulations of Colorado Springs and the other Project Participants including: regional drainage planning for low-flow and major storm events; detention; erosion and sediment control for land disturbance, construction, and similar activities; structural measures such as channel protection and engineered outfalls; prohibition of activities that infringe on the designated floodway; water quality controls, including water quality capture volume and a determination of the need for permanent best management practices (BMPs); and adequate provision for maintenance of all drainage-related facilities so required. This condition shall not prevent Colorado Springs and other local jurisdictions subject to this condition from revising and improving stormwater regulations from time to time, to incorporate new technologies, management techniques, or otherwise modify regulations consistent with the intent of not exceeding historical peak flows.	Noted	Ongoing