

EL PASO COUNTY

COMMISSIONERS:
DENNIS HISEY (CHAIR)
AMY LAIBEN (VICECHAIR)



SALLIE CLARK
WAYNE WILLIAMS
JIM BENSBERG

DEVELOPMENT SERVICE DIVISION
MAX ROTHSCHILD P.E. INTERIM DIRECTOR

March 10, 2010

Colorado Springs Utilities
c/o John Fredell, Project Director
121 South Tejon Street
Colorado Springs, CO 80903

RE: Southern Delivery System Raw Water Pipeline- Approval of Location – U-09-002

This is to inform you that the above-referenced request for approval of location pursuant to C.R.S. 30-28-110 and Section 5.3.3 of the El Paso County Land Development Code was heard and approved by the El Paso County Planning Commission on March 2, 2010. The pipeline is proposed to extend from the El Paso County/Pueblo County line to a future water treatment facility located in the City of Colorado Springs. The pipeline is proposed to extend into multiple jurisdictions, including El Paso County, the City of Fountain, and the City of Colorado Springs. The proposed alignment causes the pipeline to intersect with several major roadways, including Interstate 25, Highway 94, Highway 24, Marksheffel Road, Bradley Road, Drennan Road, Squirrel Creek Road, and Hanover Road, in addition to intersecting with Fountain Creek. This application represents the first phase of the overall Southern Delivery System project within El Paso County. Subsequent phases within El Paso County are anticipated to include a finished water pipeline, an exchange flow system involving Fountain Creek and Chilcotte Ditch, two reservoirs, and two lift stations. (Directly Affected Schedule Numbers) 45000-00-048, 45000-00-065, 54000-00-008, 54000-00-222, 55000-00-031, 55000-00-223, 55000-00-272, 55000-00-282, 55000-00-283, 55000-00-284, 55000-00-287, 55000-00-297, 55000-00-313, 55000-00-320, 55000-00-321, 55000-00-324, 55230-03-001, 55230-03-004, 55230-03-005, 55230-03-006, 55230-05-001, 5524002-001, 56000-00-030, 56000-00-123, 56000-00-140, 57000-00-001, 57000-00-010, 57000-00-095, 57000-00-125, 57000-00-151, 57000-00-152, 57200-07-003, 57200-08-001, 57210-01-002, 57210-01-010, 57210-01-011, 57210-01-012, 57210-01-017, 57290-00-002, 57290-06-001, 57290-06-006, 57320-01-002, 57320-05-002, 57320-05-024, 57320-05-025, 57320-08-001, 57320-08-010, 57320-08-011, 54000-00-174, 54000-00-177, 54000-00-179, 54000-00-180, 54000-00-243, 54000-00-253, 54000-00-258, 54000-00-259, 55000-00-090, 55000-00-225, 55000-00-291, 55000-00-355, 56000-00-153, 57000-00-099, 57000-00-115.

This recommendation for approval is subject to the following:

CONDITIONS OF APPROVAL

1. Prior to excavation or construction, approval of site development plans by El Paso County Development Services for the pipeline, permanent facilities, and construction staging and storage areas is required. Site development plan applications shall include, but are not limited to the following information:

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

- a. Site development plan drawings;
- b. Final drainage/hydraulics* report;
- c. Final grading and erosion control plan;
- d. Erosion and Stormwater Quality Control Permit (ESQCP);
- e. Construction plans for road and drainage improvements, if needed;
- f. Landscape plans, including detailed revegetation specifications to enhance wildlife habitat (DOW-approved);
- g. 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;
- h. Lighting plans and detailed specifications, including plans and specifications for temporary lighting;
- i. Sign plans;
- j. Elevations of structures;
- k. Noxious weed management plan, approved by El Paso County Environmental Services;
- l. Clearance letter from the United States Fish and Wildlife Service (USFWS);
- m. Wildlife habitat surveys required by the Colorado Division of Wildlife (DOW);
- n. State of Colorado-approved Fish and Wildlife Mitigation Plan;
- o. Colorado Department of Health and Environment (CDPHE)-approved surface and groundwater quality monitoring plans;
- p. Copy of executed Programmatic Agreement for Cultural and Archeological Resource Protection;
- q. Approved United States Army Corps of Engineers permit for ground-disturbing activities in wetland areas;
- r. Current fire protection commitment letters from the Hanover Fire Protection District, the Cimarron Hills Fire Protection District, and the City of Colorado Springs;
- s. Documentation of landowner consent to proceed with construction.

* Necessary to address design of blow-off valves.

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 (U-09-002).
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.
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.
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 non-typical 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 followed by notification to the County Engineer by the end of the next business day.

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.
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.
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.
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.
10. The applicant shall consult with the USFWS regarding compliance with the Migratory Bird Treaty Act. If 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.
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 applications.
12. 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.
13. The applicant shall provide copies of State and County air quality permits prior to approval of each site development plan application.

14. Each construction staging and storage area will require separate approval of location and site development plan approvals.
15. 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.
16. 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 (USACOE), 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.
17. The applicant shall execute and comply with the Programmatic Agreement for Cultural and Archeological Resource Protection.
18. 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.
19. This approval of location shall be subject to annual reporting by the applicant on January 31 annually and review by Development Services Division 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 Division 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:
 - a. Evaluation of compliance with El Paso County conditions of approval;
 - b. Copies of State inspection reports and documentation on compliance, including the reports to CDPHE;
 - c. Copies of federal inspection reports and documentation on compliance;
 - c. Dust control report;
 - d. Weed control report;
 - e. Wildlife management report (any occurrences or actions regarding compliance with State or federal requirements);
 - f. Cultural resources report (any occurrences or actions regarding compliance with State or federal requirements);
 - g. Groundwater and surface water monitoring report addressing water quality and quantity;
 - h. Vegetation monitoring report (status of revegetation efforts);
 - i. Complaint log and how the issues were resolved;
 - j. Emergency response log and how the issues were resolved; and
 - k. 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.

The annual reporting requirements for each year following the construction and initial operation of the facility shall be determined by the Development Services Director.

The Planning Commission may consider revocation and/or suspension if regulations or special use conditions/standards are being violated, preceded by notice and public hearing.

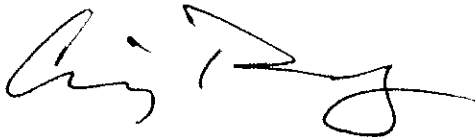
20. The approval of location shall be deemed abandoned, and the approval of location shall not be of further force and effect if the primary intended use has not been substantially implemented by December 31, 2016, or if the primary intended use has been discontinued for a period of two (2) consecutive years.
21. 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.
22. Access Permits shall be obtained for all temporary and permanent accesses to the pipeline from County roads.
23. Construction Permits, Work in Right-of-Way Permits, and Special Transport Permits shall be obtained where necessary for construction in or through County rights-of-way. Traffic control plans, haul route plans, and Common Use Agreements may also be required.

NOTATIONS

1. Approval of location requests are not forwarded to the El Paso County Board of County Commissioners for consideration. Pursuant to C.R.S. 30-28-110, final El Paso County action occurs at Planning Commission.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,



Craig Dossey, Project Manager III

Cc: CVHM2 HILL
c/o Kyle Hamilton
90 South Cascade Avenue
Colorado Springs, CO 80903

File U-09-002