

## 4.0 Consultation and Coordination

This chapter describes the consultation and coordination activities that have occurred during FEIS preparation and how the FEIS process complied with CEQ Regulations (40 CFR 1501.7). It summarizes the scoping process and results of scoping meetings, DEIS and Supplemental Information Report public reviews, and identifies the agencies and organizations consulted.

### 4.1 Initial Scoping

The scoping process was used to provide the general public, organizations, state and local governments, and affected federal agencies an opportunity to identify issues and concerns associated with the proposed project. Public scoping outreach activities included publication of a Notice of Intent in the Federal Register on September 8, 2003. The Notice of Intent (NOI) notified the public of the intent to begin the EIS process, provided project information and the dates for scoping meetings and receiving comments from the public about the project. To announce the SDS Project, 75 press releases were sent to local and national media organizations and any other interested parties. Colorado Springs placed paid advertisements announcing public scoping meetings and information of the project in various newspapers. Project information was published on the SDS Project web site ([www.sdseis.com](http://www.sdseis.com)) and the Reclamation web site on October 31, 2003.

#### 4.1.1.1 Scoping Meetings

Reclamation held five public scoping meetings to solicit issues and concerns about the project from the public. Location, date, venue, and time of each public scoping meeting are provided in Table 148. Each public scoping meeting was in an open house format.

**Table 148. SDS Project Scoping Meeting Dates, Locations, and Attendance.**

Meeting Date	Meeting Location	Number of Attendees <sup>†</sup>
Sept. 24, 2003	Buena Vista, CO	8
Sept. 25, 2003	Fountain, CO	14
Oct. 7, 2003	La Junta, CO	12
Oct. 9, 2003	Pueblo, CO	66
Oct. 15, 2003	Colorado Springs, CO	35

<sup>†</sup>A few attendees elected not to sign in and are not included in the counts.

Reclamation also held an agency scoping meeting on October 27, 2003. Letters were sent out to 107 local, state, and federal agencies inviting them to the meeting. The meeting was a slide presentation followed by a question and answer period.

Reclamation also asked to consult with 13 Native American Tribes to get their input for the scoping process. Reclamation sent letters out requesting a tribal scoping meeting and site visit regarding the SDS Project to discuss the SDS Project and answer concerns and questions. The 13 tribes that were consulted and their meeting attendance are listed in Table 149. The tribes did not participate as cooperating agencies in the EIS process.

#### 4.1.1.2 Newsletters

Newsletters were periodically published and distributed to keep the public informed on the status and findings of the EIS effort. The newsletters were printed front and back.

**Table 149. Native American Tribes Consulted during Scoping Process.**

Tribe	Present at Tribal Scoping Meeting	Not Present at Tribal Scoping Meeting
Jicarilla Apache	√	
Kiowa Tribe of Oklahoma	√	
Northern Arapaho Tribe	√	
Northern Cheyenne Tribe	√	
Southern Arapaho Tribe	√	
Southern Cheyenne Tribe	√	
Southern Ute Indian Tribe	√	
Comanche Nation of Oklahoma		√
Northern Ute Tribe		√
Ute Mountain Ute Tribe		√
Cheyenne and Arapaho Tribes of Oklahoma		√
Pawnee Nation of Oklahoma		√
Comanche Tribe		√

Reclamation determined the quantity and schedule for publication. The first newsletter was distributed soon after the Scoping Report and was prepared in order to help inform the public about the scoping process results.

**4.1.1.3 Web Site**

A web site (www.sdseis.com) was created to help distribute information to the public and receive public input about the SDS Project. The web site was periodically updated. A portion of the web site was also available in Spanish.

**4.1.1.4 Identified Issues**

As discussed in Chapter 2, 10 significant issues were identified during the scoping process for detailed evaluation in the EIS. The 10 significant issues are those with environmental effects that warrant resolution (MWH 2004):

- Surface water flow
- Surface water quality
- Channel stability and morphology

- Sedimentation
- Water rights
- Fish and other aquatic life
- Wetlands and other waters of the U.S.
- Wildlife
- Socioeconomic conditions
- Recreational resources

Reclamation used information gathered during the scoping process in the development of alternatives for the EIS.

**4.2 Review of Preliminary Alternatives**

After an alternatives analysis was completed and preliminary alternatives to be analyzed in detail were developed, Reclamation solicited public input on the preliminary alternatives. Five public workshops were held to solicit

additional alternatives that may address environmental issues (Table 150).

**Table 150. Alternatives Workshop Meeting Dates, Location and Attendance.**

Meeting Date	Meeting Location	Number of Attendees <sup>†</sup>
Oct. 11, 2005	Colorado Springs, CO	26
Oct. 12, 2005	La Junta, CO	21
Oct. 13, 2005	Pueblo, CO	66
Oct. 18, 2005	Cañon City, CO	35
Oct. 20, 2005	Pueblo West, CO	40

<sup>†</sup>A few attendees elected not to sign in and are not included in the counts.

Groups and individuals on the mailing list were notified of the workshops. In addition, 58 press releases and 17 paid advertisements announced the workshops and invited public comments on the alternatives.

The workshops followed the same general format and started with a presentation of the project, the process used to develop alternatives, and the seven alternatives that were proposed to be analyzed in detail. Following the presentation, 326 oral comments were recorded on easel not pads. A total of 217 written public comments also were received throughout the 30-day comment period.

The workshops resulted in realignment of the return flow pipeline in the Fountain Creek Alternative as analyzed in this FEIS.

### 4.3 DEIS Public Review

After publication of the DEIS on February 29, 2008, Reclamation solicited public input through June 13, 2008. Comments were accepted throughout the public comment

period. Additionally, seven public meetings were held to solicit comments on the DEIS (Table 151).

**Table 151. DEIS Public Review Meeting Dates, Location and Attendance.**

Meeting Date	Meeting Location	Number of Attendees <sup>†</sup>
April 1, 2008	Buena Vista, CO	16
April 2, 2008	Pueblo, CO	127
April 3, 2008	La Junta, CO	36
April 8, 2008	Fountain, CO	55
April 9, 2008	Colorado Springs, CO	76
April 10, 2008	Cañon City, CO	83
May 29, 2008	Pueblo, CO	62

<sup>†</sup>A few attendees elected not to sign in and are not included in the counts.

Groups and individuals on the mailing list were notified of DEIS availability and the workshops. In addition, 210 press releases and 40 paid advertisements announced the release of the DEIS and invited public comments.

The April meetings were all open house format. At each meeting, comments were accepted in writing or orally to a court reporter. At the May meeting in Pueblo, CO, commenters were invited to deliver a short oral public comment, which was captured by a court reporter. Nearly 400 comment documents were received throughout the 105-day comment period.

Public comments were raised on a variety of topics. Comments related to water quality, dam safety, and the Western Slope, as well as changes to the alternatives prompted Reclamation to release a Supplemental Information Report after publication of the DEIS. Each public comment on the DEIS is addressed in Appendix B of this FEIS.

#### 4.4 Supplemental Information Report Public Review

A Supplemental Information Report disclosed results of additional water quality, Western Slope, and dam failure analyses. Additionally, effects of physical changes to the alternatives and reasonably foreseeable actions were reviewed to identify substantial changes that may have notably altered previously described effects. The Supplemental Information Report was released for public review from October 3, 2008 through November 24, 2008. A public hearing attended by 23 people (based on sign-in sheets) was held October 29, 2008 in Pueblo, CO. At this hearing, commenters were invited to deliver a short comment, which was captured by a court reporter. A total of 34 public comments were received throughout the 52-day comment period. Each public comment on the Supplemental Information Report is addressed in Appendix C of this FEIS.

#### 4.5 Agency Consultation

Table 152 lists the agencies and organizations consulted during preparation of this document.

**Table 152. Agencies and Organizations Consulted.**

<b>Federal Agencies</b>	<b>State Agencies</b>	<b>Local Agencies</b>
U.S. Environmental Protection Agency	Colorado Department of Natural Resources (CDNR), Division of Water Resources and State Engineer, Division of Wildlife	City of Pueblo
U.S. Army Corps of Engineers	CDNR, Division of Wildlife	City of Aurora
U.S. Fish and Wildlife Service	CDNR, State Land Board	Pueblo County Planning
U.S. Bureau of Land Management	CDNR, State Parks	Pueblo County Public Works Department
Peterson Air Force Base	Colorado Department of Transportation	Turkey Creek Soil Conservation District
Air Force Academy	Colorado Department of Public Health and Environment	Southeastern Colorado Water Conservancy District
U.S. Geological Survey	Colorado State Historical Society, State Historic Preservation Officer	Lower Arkansas River Water Conservancy District
Bureau of Indian Affairs		Colorado Aviation Historical Society Aviation Archaeology

## 4.6 Federal Register Notices

Reclamation published 10 notices about the proposed contracts with the Participants in the Federal Register. Notices were published on the following dates:

- February 28, 2003 (68 Fed. Reg. 9722)
- July 26, 2004 (69 Fed. Reg. 44548)
- October 4, 2004 (69 Fed. Reg. 59267)
- March 10, 2005 (70 Fed. Reg. 12017)
- March 11, 2005 (70 Fed. Reg. 12238)
- July 22, 2005 (70 Fed. Reg. 42379)
- February 29, 2008 (73 Fed. Reg. 11144)
- April 24, 2008 (73 Fed. Reg. 22164)
- August 25, 2008 (73 Fed. Reg. 50055)
- October 9, 2008 (73 Fed. Reg. 59670)

## 4.7 Libraries and Distribution List

Notice of availability of the FEIS was sent to area libraries, federal agencies, Native American Organizations, state agencies, county agencies, city agencies, elected officials, and private individuals. Libraries and Federal agencies received printed copies or compact disks of the FEIS. Native American Organizations, state agencies, county agencies, city agencies, elected officials, organizations, and private individuals were sent written notice of availability with instructions on how to download the FEIS from the internet, and instructions on how to request a printed copy or compact disc from Reclamation unless otherwise noted.

### 4.7.1 Libraries

Buena Vista/ North Chaffee County Library  
131 Linderman Ave  
Buena Vista, CO 81211

Cañon City Public Library  
516 Macon Ave  
Cañon City, CO 81212

Pikes Peak Library District – Penrose Library  
20 N Cascade Ave  
Colorado Springs, CO 80903

Pueblo City-County Library District  
100 E Abriendo Ave  
Pueblo, CO 81004

Woodruff Memorial Library  
522 Colorado Ave  
La Junta, CO 81050

### 4.7.2 Distribution List

#### 4.7.2.1 Federal Agencies

Air Force Academy  
Federal Aviation Administration  
Peterson Air Force Base  
U.S. Army Corps of Engineers  
U.S. Army Fort Carson Military Reservation  
U.S. Bureau of Land Management  
U.S. Bureau of Indian Affairs  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service  
U.S. Forest Service  
U.S. Geological Survey  
U.S. Department of the Interior, Office of Environmental Policy and Compliance  
U.S. Department of the Interior, Natural Resources Library

**4.7.2.2 Native American Organizations**

Apache Tribe of Oklahoma  
Cheyenne & Arapaho Tribes of Oklahoma  
Comanche Nation of Oklahoma  
Comanche Tribe  
Eastern Shoshone Tribe (Wind River Reservation)  
Fort Sill Apache  
Jicarilla Apache Tribe  
Kiowa Tribe of Oklahoma  
Mescarelo Apache Tribe  
Northern Arapaho Tribe  
Northern Cheyenne Tribe  
Northern Ute Tribe  
Pawnee Nation of Oklahoma  
Shoshone-Bannock  
Southern Arapaho Tribe  
Southern Cheyenne Tribe  
Southern Ute Indian Tribe  
Ute Indian Tribe (Uintah and Ouray Reservation)  
Ute Mountain Ute Tribe

**4.7.2.3 State Agencies**

Colorado Department of Natural Resources (CDNR), Division of Water Resources and State Engineer  
CDNR, Division of Wildlife  
CDNR, State Land Board  
CDNR, State Parks  
Colorado Department of Agriculture  
Colorado Department of Public Health and Environment  
Colorado Department of Transportation  
Colorado State Historical Society, State Historic Preservation Officer  
Colorado State Soil Conservation Service

Kansas Department of Agriculture, Division of Water Resources

**4.7.2.4 Local Agencies**

Chaffee County Planning and Zoning  
City of Aurora Planning  
City of Aurora Water Department  
City of Cañon City Community Development  
City of Colorado Springs Planning  
City of Florence Planning and Zoning  
City of Fountain Planning  
City of Fountain Utilities  
City of Pueblo Department of Planning and Community Development  
City of Salida Community Development  
Colorado Centre Metropolitan District  
Colorado Springs Airport  
Colorado Springs Utilities  
El Paso County Planning Department  
Fremont County Planning and Zoning  
Lower Arkansas River Water Conservancy District  
Pikes Peak Area Council of Governments  
Pikes Peak Regional Building Department, Floodplain Administrator  
Pikes Peak Regional Water Authority  
Pueblo Area Council of Governments  
Pueblo Board of Water Works  
Pueblo County Planning  
Pueblo County Planning and Development  
Pueblo County Public Works Department  
Pueblo West Metropolitan District  
Security Water District  
Southeastern Colorado Water Conservancy District  
Summit County Government  
Turkey Creek Soil Conservation District  
Upper Arkansas Water Conservancy District

**4.7.2.5 Elected Officials**

Honorable Bill Ritter – Colorado Governor  
 Honorable Wayne Allard – United States Senator, Colorado  
 Honorable Ken Salazar – United States Senator, Colorado  
 Honorable Diana DeGette – United States Representative, Colorado 1st District  
 Honorable Mark Udall – United States Representative, Colorado 2nd District  
 Honorable John Salazar – United States Representative, Colorado 3rd District  
 Honorable Marilyn Musgrave – United States Representative, Colorado 4th District  
 Honorable Doug Lamborn – United States Representative, Colorado 5th District  
 Honorable Tom Tancredo – United States Representative, Colorado 6th District  
 Honorable Ed Perlmutter – United States Representative, Colorado 7th District  
 Honorable Wayne Williams – El Paso Board of County Commissioners District 1  
 Honorable Amy Lathen – El Paso Board of County Commissioners District 2  
 Honorable Sallie Clark – El Paso Board of County Commissioners District 3  
 Honorable Dennis Hisey – El Paso Board of County Commissioners District 4  
 Honorable Jim Bensberg – El Paso Board of County Commissioners District 5  
 Honorable Jim Osborne – Chaffee Board of County Commissioners District 1  
 Honorable Jerry Mallett – Chaffee Board of County Commissioners District 2  
 Honorable Tim Glenn – Chaffee Board of County Commissioners District 3  
 Honorable Mike Stiehl – Fremont Board of County Commissioners District 1  
 Honorable Larry Lasha – Fremont Board of County Commissioners District 2

Honorable Ed Norden – Fremont Board of County Commissioners District 3  
 Honorable Anthony Nunez – Pueblo Board of County Commissioners District 1  
 Honorable John Cordova – Pueblo Board of County Commissioners District 2  
 Honorable Jeff Chostner – Pueblo Board of County Commissioners District 3  
 Honorable Matthew Heimerich - Crowley County Commissioner District 1  
 Honorable Kathleen Medina - Crowley County Commissioner District 2  
 Honorable T.E. (Tobe) Allumbaugh - Crowley County Commissioner District 3  
 Honorable Bob Bauserman - Otero County Commissioner  
 Honorable Kevin Karney - Otero County Commissioner  
 Honorable Harold "Jake" Klein - Otero County Commissioner  
 Honorable Lynden Gill - Bent County Commissioner  
 Honorable Bill Long - Bent County Commissioner  
 Honorable Thomas Wallace - Bent County Commissioner  
 Honorable Joe Marble - Prowers County Commissioner  
 Honorable Eugene “Gene” Millbrand - Prowers County Commissioner  
 Honorable R. Clede Widener - Prowers County Commissioner  
 Honorable John Tighe - Park County Commissioner District 1  
 Honorable Leni Walker - Park County Commissioner District 2  
 Honorable Lillian Wissel - Park County Commissioner District 3  
 Honorable Michael J. Hickman – Lake County Commissioner

## Consultation and Coordination

Honorable Kenneth L. Olsen – Lake County  
Commissioner

Honorable Carl F. Schaefer – Lake County  
Commissioner

Honorable Lionel Rivera – Colorado Springs  
Mayor

Honorable Gabriel Ortega – City of Fountain  
Mayor Pro Tem

Honorable Cara Russell – Buena Vista Mayor

Honorable Michael Occhiato - Pueblo Mayor

Honorable Rick Klein - City Manager, La  
Junta

Honorable Frank J. Jacquez - Cañon City  
Mayor

Honorable Charley Rose - Mayor, Salida

Honorable Charmaine Tripp - City Clerk and  
Treasurer, Las Animas

Honorable Bart Hall - Florence Mayor

### **4.7.2.6 Organizations and Private Individuals**

Notification of the FEIS's availability was sent via U.S. mail to about 2,300 recipients. A list of these recipients is maintained on file by Reclamation.

## 5.0 Environmental Commitments for the Preferred Alternative

This chapter summarizes the environmental commitments that would be a part of Reclamation's Preferred Alternative. These commitments would be incorporated during final design and project implementation. Reclamation would ensure that these measures are implemented through terms and conditions of any long-term contract between Reclamation and the Participants. Such contracts would, at a minimum, include a requirement for annual submittal of a compliance report and a signed certification of compliance to Reclamation.

The Participants must obtain other significant permits, approvals, and agreements for the SDS Project. These permits, approvals, and agreements include, as examples, a Section 404 permit under the Clean Water Act, a 1041 permit from Pueblo County, and consultation with the CDOW and the Colorado Water Conservation Board (Section 2.4.4). These permits, approvals, and agreements also include significant environmental commitments (mitigation) to be undertaken by Participants as part of the SDS Project.

The complete grouping of Participants' environmental commitments for the SDS Project would be coordinated between Reclamation, the Project Participants, and the authorities responsible for these additional, separate permits, approvals, and agreements. This coordination is the only way to avoid overlapping, inconsistent, or wasteful environmental commitments in the SDS Project. Reclamation would participate fully in this process of coordinating environmental commitments. A complete, detailed, and

specific list of environmental commitments would emerge from this coordination process.

The timing of this process is important. Coordination of the complete grouping of environmental commitments would occur prior to executing any contracts for the SDS Project. Any long-term contract between Reclamation and the Participants would contain all detailed environmental commitments and obligations by Participants that are determined by Reclamation to be significant to the SDS Project. In the discussion below, significant environmental commitments by Participants and Reclamation are described in two forms. First, a set of environmental commitments that Reclamation already has decided it would require for the SDS Project are described as such. Second, a group of significant environmental commitments that would be required by Reclamation and that would be considered during the broader coordination process with other permitting and approving authorities.

## 5.1 Reclamation's Commitments

The following mitigation measures would be implemented:

- The amount of storage in Pueblo Reservoir allowable under temporary excess capacity contracts will be reduced by the amount contracted for as part of the Preferred Alternative consistent with mitigation measure number 3 in environmental assessment and Finding of No Significant Impact number EC-1300-06-02, Temporary Excess Capacity Contracts 2006-2010 dated April 3, 2006

- If Reclamation receives credible information that operations under the contract are causing a violation of the Arkansas River Compact, Reclamation will immediately initiate discussions among the parties, including the party alleging the Compact violation, to develop a solution and remedy the violation.

## 5.2 Participants' Commitments

### 5.2.1 General Commitments

The following mitigation measures would be implemented:

- Comply with all applicable permits, regulations, and laws
- 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
- 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 would 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 would include

involvement of all other Joint Use Manifold users.

- Develop an integrated adaptive management program for the project that would be coordinated with the Participants' existing monitoring programs and the Environmental Management System discussed in Appendix F of this FEIS. The integrated adaptive management program would be finalized prior to executing any contracts for the SDS Project.

### 5.2.2 Surface Water

The following mitigation measures would be implemented:

- Comply with the UAVFMP 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 Recreational In-Channel Diversion)
- Comply with the PFMP pursuant to existing intergovernmental agreements (March IGA 2004; May IGA 2004)
- 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 and Reclamation, to develop a solution and remedy the impairment in compliance with Colorado water law

### 5.2.3 Water Quality

The following mitigation measures would be implemented:

- Include water quality monitoring and adaptive management within the integrated adaptive management program (Section 5.2.1)
- Begin implementing water quality monitoring (Section 3.7.5.4) when construction of the project begins. This will allow about three years of baseline data to be collected before project operations begin.
- Submit water quality monitoring data, including trend analyses, for the preceding calendar year to Reclamation by January 31<sup>st</sup> of the subsequent year
- If 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
- In the event that operation of the SDS Project causes, or threatens to cause, streamflows in the Arkansas River or other waterways to diminish to low levels that would contribute significantly to elevated concentrations/densities of dissolved selenium, *E. coli*, or sulfate, the Participants will coordinate with Reclamation, CDPHE, CDOW, and other interested parties to evaluate and select measures to mitigate adverse effects.

### 5.2.4 Geomorphology

The following mitigation measures would be implemented:

- 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:
  1. 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
  2. Evaluate and consider strategies to increase the sinuosity of Fountain Creek at appropriate locations in order to reduce undesirable erosion and sedimentation
  3. 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' Fountain Creek Watershed Study and the Fountain Creek Corridor Master Plan. Locations where geomorphic mitigation projects could occur include, but are not limited to:
  1. 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)
  2. Fountain Creek from upstream of Fountain Boulevard to upstream of Colorado 85/87 at the Sand Creek confluence (approximately 3 miles)
- 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.

- 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
- Evaluate and implement appropriate future geomorphic stabilization projects, if such future projects are determined to be necessary after the project is operational.

### 5.2.5 Aquatic Life

The following mitigation measures would be implemented:

- 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 proposed 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 and either affirm 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.

- In the event that operation of the SDS Project causes, or threatens to cause, streamflows 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
- Evaluate and consider participation in CDOW fish hatchery programs
- 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.

### 5.2.6 Wetlands, Waters, and Riparian Vegetation

The following mitigation measures would be implemented:

- Design final alignments and facilities to avoid and minimize wetland impacts
- Assess alternative construction methods for pipeline crossings (i.e., directional drilling v. open cut) to minimize wetland and stream impacts
- 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
- Mitigate all unavoidable, permanent impacts to jurisdictional and non-jurisdictional wetlands with compensatory wetlands that replace existing wetland functions and values. Compensatory wetland mitigation would likely occur at the Clear Spring Ranch site on Fountain Creek downstream of the city of Fountain. Conceptual mitigation options at this site are described in Section 3.11.5.4.
- Control tamarisk that may establish around newly constructed reservoirs
- Evaluate and consider a strategy to increase the sinuosity of Fountain Creek at appropriate locations in order to create wetlands areas
- 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

Mitigation plans for jurisdictional and non-jurisdictional wetlands will be submitted for approval by the Corps and Reclamation, respectively. All design and planning measures for wetlands, waters, and riparian vegetation would be completed before any contracts for the SDS Project.

### 5.2.7 Vegetation

The following mitigation measures would be implemented:

- Prior to final design, review locations of Needle and Threadgrass – Blue Grama Grasslands, high quality shrublands and woodlands, and other areas with desirable vegetation to determine design changes within the current study area that would avoid and minimize 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 would be reseeded with appropriate species
- 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.

- 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 would be formulated and completed.
- Because the project may indirectly increase the spread of tamarisk, the Participants would 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.

### 5.2.8 Wildlife

The following mitigation measures would be implemented:

- Submit a proposed wildlife mitigation plan to the Colorado Wildlife Commission pursuant to C.R.S. § 37-60-122.2 as described in Section 5.2.5
- 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., CDOW undated)
- Conduct raptor nest surveys prior to construction and impose seasonal restrictions to surface activity within recommended buffers (generally ¼ to ½ mile) (CDOW 2008; Service 2002) around active raptor nest sites and heron rookeries during construction
- 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
- 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 would 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 would be flagged and avoided during the nesting season, or construction would be scheduled outside of the nesting season.
- 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 - June 15)

- Restrict pesticides for rodent control within swift fox overall range
- Mitigate impacts to state-listed amphibian species by avoiding, minimizing, and mitigating wetland effects as described in Section 5.2.6
- Impose seasonal restrictions on construction to avoid sensitive large game winter habitat (from first large snowfall to summer green-up (CNDIS 2007 metadata))
- 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
- Create additional nesting habitat or nest boxes in nearby trees for the Lewis' woodpecker when nest trees are destroyed.

### 5.2.9 Recreation

The following mitigation measures would be implemented:

- 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.
- Work with the local municipality to establish alternate trails with consistent width, surfacing, and signage
- 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.

- In developed park areas with permanent, above ground SDS Project facilities, reconfigure park facilities that would be directly affected and visually screen SDS Project facilities from other park uses with vegetation, berming, or attractive fencing
- 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 described in Section 5.2.5.

### 5.2.10 Socioeconomics and Land Use

The following mitigation measures would be implemented:

- Acquire properties and easements through voluntary, willing participant agreements to the maximum extent practicable
- 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.

### 5.2.11 Cultural Resources

The following mitigation measures would be implemented:

- Comply with the requirements of the Programmatic Agreement between Reclamation, the ACHP, Colorado

Springs, and the Colorado SHPO  
(Appendix I)

### 5.2.12 Indian Trust Assets

Continue consultation with Native American Tribes in accordance with the Programmatic Agreement.

### 5.2.13 Noise and Vibration

The following mitigation measures would be implemented:

- Construction equipment used by contractors shall function as designed and shall conform to applicable noise emission standards
- 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.
- Restrict access to construction areas so that the public could not be in close proximity to loud equipment or blasting
- House project operating equipment (e.g., pump stations) in structures designed to minimize radiated noise outside the structure, and would meet local noise ordinance requirements.

### 5.2.14 Visual Resources

The following mitigation measures would be implemented:

- Vegetate earthen dam faces with native herbaceous plants to match the adjacent undisturbed prairie plant communities
- Revegetate and/or landscape with plants, all disturbances associated with the construction of all facilities

- Restore as many existing grades as practicable following pipeline excavations
- Enclose pump stations and well equipment in structures matching the architectural characteristics of the surrounding structures
- Construct powerlines with non-specular (not shiny) wire, non-reflective and opaque insulators, and light-colored, non-reflective finished poles
- Reclaim construction access roads and staging areas by restoring existing grade and revegetating the area of disturbance
- Apply water with standard construction practices to control airborne fugitive dust within construction areas
- Install baffles on construction lighting fixtures to direct light onto the construction activity only in locations where safety is a concern, scenic quality would be affected, or near occupied homes and businesses.

### 5.2.15 Traffic

The following mitigation measures would be implemented:

- 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.
- Prepare traffic control plans for approval by state and local traffic authorities and followed by contractors during construction
- 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

- 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
- Modify or reconstruct bridges when the load limits are not adequate for construction of the SDS Project and other access routes are not reasonable.

### 5.2.16 Soils

The following mitigation measures would be implemented:

- Minimize the area of disturbance to defined construction limits and limit the time bare soil is exposed
- Contain soils within the construction area through temporary sediment control measures such as silt fences, sediment logs, trenches, and sediment traps
- Remove woody vegetation prior to topsoil salvage and, to the extent possible, salvage topsoil within tree stump roots
- Use topsoil salvage methods including windrowing topsoil at the limits of construction and pulling the soil back on slopes during reclamation
- 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
- To the extent practicable, avoid irrigated lands during final design

- To the extent practicable, allow continued use of lands crossed by project facilities after construction
- 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

### 5.2.17 Air Quality

The following mitigation measures would be implemented:

- 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
- Ensure construction equipment (especially diesel equipment) meets opacity standards for operating emissions
- Promptly revegetate disturbed areas

### 5.2.18 Hazardous Materials

The following mitigation measures would be implemented:

- Remove solid waste and properly dispose of at a permitted solid waste disposal facility prior to construction of project facilities at the site
- 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
- 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

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dispose of at a permitted waste disposal facility

- 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.

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