

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
DECEMBER 2, 2008**

CHAIRMAN TOM PILTINGSRUD BROUGHT THE DECEMBER 2, 2008 MEETING OF THE PLANNING COMMISSION TO ORDER AT 7:00 P.M.

**MEMBERS PRESENT**

Tom Piltingsrud, Chairman  
Bill Jackson  
Herm Lateer  
Dean Sandoval  
Mike Schnobrich  
Keith McNew  
Tom Doxey

**STAFF PRESENT**

Bill Giordano, Planning Director  
Vicki Alley, Planning Assistant

**MEMBERS ABSENT**

None

**1. APPROVAL OF THE NOVEMBER 5, 2008 PLANNING COMMISSION MEETING MINUTES**

**2. REQUEST: SRU 08-004 SOUTHERN DELIVERY SYSTEM**

Request approval of a **Special Review Use Permit, Department file #SRU 08-004 Southern Delivery System (*Public utilities buildings, regulators and substations*) for the construction of a water intake and pump station, along the Arkansas River, two additional pump stations (all pump stations will contain an electric substation), seventeen (17) miles of a sixty-six (66) inch diameter pipeline and an electric substation and transmission facilities, (to be operated and owned by Black Hills Energy and which will require a separate SRU application), by Colorado Springs Utilities, for property owned by various property owners. The proposed river intake and Pump Station #1 is to be located on the north side of the Arkansas River, west of Colorado State Highway 115, just east of the Fremont Sanitation District treatment plant, which is located east of Florence, Colorado. Pump Station #2 is proposed to be located north of 3<sup>rd</sup> Street approximately one-third (1/3) mile east of the extension of A Street to the north, in the Beaver Park Area. Pump Station #3 is proposed to be located approximately one-quarter (1/4) mile west of Colorado State Highway 115 and approximately two (2) driven miles north on Colorado State Highway 115 from its intersection with Fremont County Road #F45. The proposed stand-alone electric substation will be located approximately 0.6 miles south of the intersection of Colorado State Highways 115 and 120, southeast of the Rainbow Park Area, which is located east of Florence, Colorado. The properties to be purchased or leased for the project will consist of approximately four-hundred and thirty-one (431) acres, within the Agricultural Forestry, Agricultural Living and Agricultural Estates Zone Districts.**

***REPRESENTATIVE:*** Colorado Springs Utilities, John Fredell

**3. OTHER ITEMS FOR DISCUSSION**

Discuss any items or concerns of the Planning Commission members.

**4. ADJOURNMENT**

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Chairman Tom Piltingsrud called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

**1. APPROVAL OF THE NOVEMBER 5, 2008 PLANNING COMMISSION MEETING MINUTES**

Chairman Piltingsrud asked if there were any changes, additions or corrections to the November 5, 2008 Fremont County Planning Commission Meeting Minutes. Hearing no changes, he said the minutes stand approved as written.

Chairman Piltingsrud explained the way he will conduct the next agenda item. He asked anyone in the audience who intended to speak during the meeting to fill out an information slip. The applicant will go first and make his presentation to the Commission. He may call on other people as part of his presentation. We will hold comments while the applicant makes his presentation. Next the Planning and Zoning Department will make any departmental items of discussion that they wish to bring. That sometimes takes some time, especially for lengthy applications, so please bear with us while we hear what the Planning Department has to say. That may necessitate some discussion between the applicant and the Planning Department and it may be ongoing as part of the Department's comments.

Chairman Piltingsrud continued that this is not a Public Hearing. The Public Hearing will be in front of the County Commissioners. They are the final decision makers. The Planning Commission is an advisory board. Any discussion that you wish to make tonight, I would heartily encourage you to come to the Public Hearing and put those discussion topics on the record. The minutes that are prepared by the Department for the Commissioners' review are well done and extremely close to what transpires, but if you want the decision-makers to hear a particular point of view, you need to come and talk to the Commissioners at the Public Hearing. I am not going to allow a lengthy time on this item from any individual other than the applicant and the Department. When I call for public comment, please make your comments pithy and concise. If someone states your exact point, you need only come forward and say that you concur with that speaker. You don't need to restate it for us, we have already heard it. We are an advisory board, this is not a public hearing, but we have always allowed public input at the Planning Commission and we will continue to do so. We will hear any and all who wish to come forward. The applicant gets the last bite of the apple. He gets the opportunity to rebut or amplify or discuss anything that has been discussed to that point. Following that, the Planning Commission will make comment and discussion, and hopefully come to a motion before midnight. There may be discussion between the Planning Commissioners and the Department and/or the applicant during their presentations. The Commissioners are admonished not to rattle papers by the microphones because it makes transcription of the minutes difficult for staff. If you can flip to things you know you are going to talk about, please do so now.

**3. REQUEST: SRU 08-004 SOUTHERN DELIVERY SYSTEM**

Mr. Bruce McCormick, Colorado Springs Utilities, Chief Water Services Officer, was present to request approval of a Special Review Use Permit (SRUP), Department file #SRU 08-004 Southern Delivery System (Public utilities buildings, regulators and substations) for the construction of a water intake and pump station, along the Arkansas River, two additional pump stations (all pump stations will contain an electric substation), seventeen (17) miles of a sixty-six (66) inch diameter pipeline and an electric substation and transmission facilities, (to be operated and owned by Black Hills Energy and which will require a separate SRU application), by Colorado Springs Utilities, for property owned by various property owners. The proposed river intake and Pump Station #1 are proposed to be located on the north side of the Arkansas River, west of Colorado State Highway 115, just east of the Fremont Sanitation District treatment plant, which is located east of Florence, Colorado. Pump Station #2 is proposed to be located north of 3<sup>rd</sup> Street approximately one-third (1/3) mile east of the extension of A Street to the north, in the Beaver Park Area. Pump Station #3 is proposed to be located approximately one-quarter (1/4) mile west of Colorado State Highway 115 and approximately two (2) driven miles north on Colorado State Highway 115 from its intersection with Fremont County Road #F45. The proposed stand-alone electric substation will be located approximately 0.6 miles south of the intersection of Colorado State Highways 115 and 120, southeast of the Rainbow Park Area, which is located east of Florence, Colorado. The properties to be purchased or leased for the project will consist of approximately four-hundred and thirty-one (431) acres, within the Agricultural Forestry, Agricultural Living and Agricultural Estates Zone Districts.

Mr. McCormick said he appreciates the opportunity to present our project this evening as far as the Fremont County process. The Southern Delivery System (SDS) includes not only Colorado Springs, but the City of Fountain, and the Security Water District as well. We have representatives Ms. Connie Michael from Security and Mr. Larry Patterson, Utilities Director for the City of Fountain here this evening. We want to thank you for the very professional treatment that the County staff has given us through this process. Our presentation will be informative but fairly short. I will talk about the project basics and our commitments to Fremont County. Mr. Bruce Spiller, Program Director for SDS with CH2M Hill, will overview details of the project itself, conditions and contingencies, and then I will close with what we believe the benefits of this project are to Fremont County. I also have some staff here with me including our Construction and Delivery Program Manager, Mr. Dan Higgins, and our Permitting and Environmental Manager, Mr. Keith Riley.

Mr. McCormick continued that the SDS is a project that is needed to provide water for Colorado Springs, Fountain, and Security. With or without SDS, our communities will grow. The majority of that growth is coming from having children and grandchildren in our community, as well as the military expansion which we expect to continue in the city of Colorado Springs and surrounding areas. We believe SDS provides a cost-effective, dependable, and environmentally responsible way to deliver water to those communities. As you know, we are evaluating two alternatives for this project: one through Pueblo County as well as this one through Fremont County. Our preferred and proposed action is in Pueblo County from Pueblo dam. The reason that option is our preferred alternative is because, number one it is the lowest cost alternative, and has obvious operational advantages to having an intake in a reservoir as opposed to a river intake. It leverages the significant investment that our community has made in Pueblo Reservoir and the Frying Pan - Arkansas

Project. If we are unable to get the permit with acceptable conditions in Pueblo County for the proposed action, then we have identified the Highway 115 Alternative, through Fremont County, as our next best option. We have invested a lot of time, money, and effort into this option because we believe it is very viable and we would construct it, if, as I said, we are unable to get a permit in Pueblo County with acceptable conditions.

Referring to a projected map, Mr. McCormick pointed out the major components of the project through Fremont County. SDS includes the pipeline – the green and blue lines. The green delineates where there are also electric lines adjacent to the water pipeline, three pump stations, as well as a treatment facility and two reservoirs in El Paso County. That makes up the major components of this alternative. We recognize that your duty is to ensure that SDS does not adversely impact your community. We have made commitments to help you in that responsibility. We have signed an IGA (*Inter-Governmental Agreement*) with the Fremont County Commissioners that outlines the process that we will use to permit this project, and we also guarantee that we will cover all of the staff review costs involved in reviewing this project. Secondly, we will restore land that we disturb as part of this project. We will mitigate or address impacts we have on private or public land or the environment. This includes roads, bridges, other infrastructure, river banks, and parks, and in some cases, we will actually improve the condition of those facilities. Thirdly, we will fairly compensate landowners that are impacted. We have communicated with landowners that may potentially be impacted with the alignment of this project, we have hosted information sessions, and we will continue to communicate with property owners. Again, as I said, we will fairly compensate those that are impacted by the project. Finally, we will not harm your water. The intake location for this alternative is downstream of all municipal water supply intakes in Fremont County and we have voluntarily agreed to continue participation in the Upper Arkansas Flow Management Program. We remain committed to that program. No return flows to the Arkansas River will be above Pueblo Reservoir. With that as an overview, I will turn this over to Mr. Bruce Spiller to go into more detail about the project.

Mr. Bruce Spiller, CH2M Hill, Program Manager for SDS, stated that he will be going over some of the specifics of the project and the construction details. First he showed a video flyover of the locations of the project, which started at the Arkansas River, at the existing Lester-Attebery Intake, where SDS proposes a new intake and pump station. The flyover followed along the pipeline route, with overhead power lines to the west of the pipeline, up to near Brush Hollow Reservoir where Pump Station #2 will be, and then continued north, generally following open country, to connect up to and generally parallel Highway 115, diverging a little bit away from Highway 115 due to terrain and the amount of rock that is along Highway 115, up on the ridge line, to where the third pump station would be located in Fremont County. Then the pipeline would continue north, generally paralleling Highway 115 to the County line. That is the general location of the pipeline and the facilities.

Mr. Spiller provided an overview of the process Colorado Springs Utilities (CSU) has gone through: The application was originally submitted on September 10. On October 15 and October 18, we had some meetings with property owners that would be directly affected if we construct the pipeline in Fremont County. We responded to staff comments on the application on November 12, the Planning Commission meeting is taking place today, and in the future, we will have the final Public Hearing before the County Commissioners. Mr.

Spiller showed slides of the area where the intake is going to be. Currently there is a rubble diversion at the existing Lester-Attebery Intake. The proposal for the improvements in that area would be a new diversion that would regulate flow so that more flow would go down the improved diversion, a low-flow boatable boat chute that would allow boaters and kayakers to pass during all flows. Lester-Attebery would continue to flow past there at the existing flow rates. The flows would come in, through some sediment removal facilities, similar to what is up at the Minnequa diversion, in that some of the sediments would be sluiced back into the Arkansas River and continue on. The water would go into our intake structure and pump station. More sediment would be dropped out there, and those sediments that are dropped out in the final stages would have to be removed and hauled away into a landfill or other disposal facility. During low flows there is a requirement in this section of the Arkansas River for a minimum flow at the waste water discharge of one-hundred ninety (190) cubic feet per second (cfs), so that minimum flow would flow through the boatable boat chute, continue on down, and the remaining flows or what flows could be taken by the SDS project would continue on as discussed previously, as well as the existing Lester-Attebery flows. There would be fish screens, such that any fish that come down the canal would not get pulled into the pump station. They would get sluiced out back into the Arkansas River such that we are only pulling water into the intake structure. The pumping facility would then pump the water into the pipeline and up to Pump Station #2. The pipeline size for this facility is a sixty-six (66) inch diameter pipeline.

Mr. Spiller continued that after the pipeline installation, the grounds are restored to natural contours so that any runoff or flows are not changed. Following that, we would revegetate with natural seed if we are in open areas, or if we are on specific property that has plantings or the property owner wants some specific vegetation put back, we would match whatever exists or whatever is desired. Typically, we would remove the top six inches of soil, and that would go back in as topsoil to make the revegetation take hold. We would revegetate with native plants and restore everything back to the natural contours. The land will generally go back to preconstruction conditions.

Mr. Spiller then discussed construction activities and what is done to mitigate some of the typical construction concerns, such as noise, dust control, environmental impacts, traffic, safety, and other issues:

- Dust - One of the concerns, especially in dry areas like Colorado, is dust. As you take vegetation off and expose the soil, you get a lot of wind, and dust can be a nuisance issue. The typical way to control dust is with water. We will be watering the ground on a regular basis and controlling the dust in that way.
- Traffic Control – As we construct the pipeline, we will be crossing numerous roads, some major, some minor. On the minor roads that we are allowed to have detours around, we would be signing those, closing the road for the time it takes for construction, which on a smaller road is typically just a day or two to detour around. On more major roads such as Highway 50, we would be tunneling underneath those roads. A tunnel-boring machine of about seventy-eight (78) inches diameter is used to tunnel underneath the road. We would then slide our pipe within that tunnel, so we can complete the crossing of the road without any disruption of traffic. Typical work hours for construction are 7 am to 7 pm,

but there are certain times when night work is desirable. If we are trying to do a smaller road crossing and we want to get it done completely in a day so that we only disrupt traffic for a day, we will notify residents that we want to keep working into the night to minimize disruption to traffic. We will not be doing a lot of night work, but we like to have that as an option because sometimes it is more desirable to work a few hours into the night and get the road open to traffic the next day.

- Fencing - We will have construction-zone fencing, which separates the work zone from either private property or other public areas. We use a number of different fences to separate the work zone from the other areas. One typical option is orange construction fencing, which is very visible. Most people know to keep small pets from wandering in there. Another option is to go with a barbed-wire type fence. If we are going along an area that has cattle or livestock, we will put up barbed-wire fencing to separate the work zone from the other areas. We generally work with property owners on a property by property basis as to what type of fencing they would like us to put up when we are in their areas.
- Vents - At each high point on the pipeline we need to provide a vent that allows air to come out of the pipeline when we are filling the pipe with water, and if we have to drain the pipe the vents allow air to get back into the pipeline. At each high point there will be a vent, which is a buried vault with air vacs on it. What you see at the top is usually a crook-neck type vent. There are other types of vents that are more architecturally pleasing if it is desired to have a mushroom type or the regular standpipe type, but we will use one of those three type vents.
- Drains - At each low point on the pipeline, we will have a drain so that if the pipeline needs to be drained for repairs or other maintenance type activities, we can drain the pipeline. On the surface, you will just see an energy dissipation structure that allows the water to come out of the pipe, and dissipates the energy such that the receiving ditch or swale can receive the water without any erosion.
- Maintenance - We will also occasionally have access points in case we have to get into the pipe for maintenance or repairs. On the surface, you would just see a concrete lid with a manhole in it.
- Power - The three pump stations will require power to run. The typical feed we would get to these pump stations is 115 kV. Mr. Spiller showed a slide of a representative substation in the 115 kV range. This facility would be located on the south side of the Arkansas River along Black Hill's existing 115 kV transmission main. The power line would then cross the Arkansas River. Power poles that are either single-type or double-type will be used. We have had some discussions with Black Hills, but they will be required to have a separate SRUP for their facilities in order to serve our facilities. This application is just for the SDS, but it is dependent on another application from Black Hills to be able to provide power. Since Black Hills will own and operate those facilities, that application will come from them at a separate time. A successful application from Black Hills is one of the items staff has recommended to be a condition of approval of this application.

- Property owners - We have had communication with the property owners that are potentially going to be affected by this pipeline. We started back in the Spring with some informal meetings with the property owners, we had open houses in October where they were all invited to come, we had attendance at those, all have had written communications about the potential of this project in the County, there have been numerous one-on-one communications with several of the property owners, but not all, and there has been information posted on our website for property owners.
- Recommended conditions and contingencies - We have received the recommended conditions and contingencies from County Planning staff. We are in agreement with all of the recommended conditions and have no objections to any of the conditions. There are four recommended contingencies, one of which is the SRUP for the Black Hills facilities. **We request that contingency be changed to a condition of approval, just because we don't know the exact timing that Black Hills will be getting that application in.** We would rather have it be a condition, so that we can start our project. In reality, we don't really have a project unless we can get electricity to those pump stations. The typical time for contingencies in the regulations is six months. The contingencies are primarily concerned with either obtaining property or obtaining the rights to be on property, which is either buying the property or getting easements on the property. We don't feel that six months is adequate time for us to obtain all those properties and to work in a manner we would like to with all the property owners, so **we would like to request an extension of the contingencies from a six month period to a 12 month period, to have adequate time to work with all the property owners.**

Mr. McCormick spoke briefly about what they believe are the benefits of this project to Fremont County. Our project will cost over one billion dollars to implement. We believe a project of that magnitude will create a great deal of economic impact in the location where it is implemented. There will be hundreds of millions of dollars of construction contracting work in Fremont County and El Paso County. We believe that Fremont County contractors and construction workers, and other kinds of workers that would support a project like this, would have a clear opportunity for enhancement through contracting and working on this project. As a side benefit, in a project like this with construction phases in a multi-year time-frame, there is economic impact in terms of supplies purchased for the project, restaurants, hotels, and those kinds of things. Again, we believe there is potentially significant economic benefit in Fremont County to this project. Also, as mentioned before in Mr. Spiller's presentation, we will make improvements to facilities such as the Florence River Park, and believe that is a benefit as well in Fremont County. In summary, SDS is critical to the future of Colorado Springs. We think the economies in the communities in Southern Colorado are linked and it is essential that we have a continued reliable water supply to our citizens. We recognize that Fremont County shouldn't have a cost from this project, and we are working to make sure that is the way it is. We will continue to work collaboratively with you and work through any requirements that you have in your process, and we believe there is opportunity for partnerships in terms of the economic benefits of this project. That concludes our presentation.

Mr. Giordano showed a video of the properties and the surrounding areas. He then briefly discussed the Department Review. He asked the Planning Commission to take into consideration the fact that the County Commissioners had Mr. Don Moore, the County Consulting Engineer, review the Environmental Impact Statement (EIS). Mr. Moore also reviewed the SRU application package. His specific comments were not listed in the Department Review, but were only listed as a general requirement, because they are very lengthy. His comments are in the Planning Commission review packets, and we can discuss specific comments as required. Mr. Giordano noted that some details are still not finalized, but Mr. Moore did not feel there was any problem with moving this item forward because he felt that the concept was in place, and minor things could be changed and addressed later. Mr. Giordano then briefly summarized the recommended conditions. The first seven recommended conditions in the Department Review are standard language and are included in all SRU resolutions:

- The SRU will be issued for the life of the use.
- The Department will review the SRU annually, and the owner/operator is required to provide copies of any permits, licenses, etc. on their anniversary every year.
- The owner/operator is required to conform to all plans and drawings that they have submitted to the County, and they become part of the resolution that enforces the SRU.
- A general requirement for compliance with all laws and regulations of any government agencies.
- The owner/operator is required to keep all licenses in place and up to date.
- If the owner/operator ceases operation for over six months, they can lose the use. This condition probably does not apply in this case.
- The owner/operator must comply with County regulations regarding a transfer of SRU. Again, this is probably not going to happen.

Mr. Giordano then briefly summarized the remaining recommended conditions, more specific to this application:

- The days and hours of operation will not be limited.
- Compliance with any requirements of the Florence Fire Protection District.
- Compliance with any requirements of the Fremont County Noxious Weed Control Board for any disturbances.
- Fremont County Flood Damage Prevention permits for construction in any FEMA flood hazard areas.
- Compliance with any requirements from Mr. Dean Winstanley, Director, Colorado State Parks.
- Copy of a Programmatic Agreement, executed by all appropriate authorities.
- Compliance with any requirements of the Fremont County Reviewing Engineer.
- Copies of any required permits listed in the application. That is a very extensive list, perhaps twenty or thirty different permits that will be necessary, from environmental to access permits to highway permits.

The last two recommended conditions are standard language:

- The County has the right to modify any condition of the permit, with a public hearing.
- Only the named party on the permit is allowed to operate the facility.

Regarding the recommended contingencies, Mr. Giordano stated that the Department does not object to granting the applicant a year to complete the contingencies, nor do we object to making the first contingency (*an application and approval of a SRUP for the standalone 115 kV electrical substation*) a condition rather than a contingency. Mr. Giordano then briefly discussed the remaining three recommended contingencies:

- Proof of ownership for all parcels and/or documentation as to right of use of the property for all parcels or easements. We note that a subdivision or similar process in accordance with the Fremont County Subdivision Regulations may be required. The details are not firm regarding all the purchases. We do not know if there will be any subdivision requirements, if they are taking portions of parcels, so they may end up having to subdivide.
- The final site plan drawings shall note the setbacks, etc.
- Submission and approval of any required zone changes in accordance with the Fremont County Zoning Resolution (FCZR). There may be zoning issues in the same way. If they split parcels that split the zoning, zone changes may be required.

Mr. Giordano noted that this application is different from the ones that the Planning Commission normally sees, because normally all the leases are already in place, but because of the uniqueness of this application, it is pretty difficult to do that at this stage. It is a cost issue in that if the application is not approved then there is no need to obtain the easements, etc.

Regarding additional notification requirements, Mr. Giordano listed seventeen (17) additional notifications that the Department recommends:

- City of Florence Planning Department
- Fremont County District 2, County Road Foreman
- Fremont County Environmental Health Office
- Fremont County Building Department
- Colorado Department of Transportation
- Fremont County Sheriff
- Fremont / Custer Historical Society
- Arkansas Headwaters Recreation Area
- Colorado Division of Wildlife
- US Army Corp of Engineers
- El Paso County Planning Department
- Pueblo County Planning Department
- The Nature Conservancy
- Southeast Water Conservancy District
- Upper Arkansas Water Conservancy District
- Arkansas Water Conservancy District
- Pueblo Board of Water Works
- **Beaver Park Ditch Company**
- **Penrose Water District**
- **Florence Fire Protection District**

Mr. Giordano noted that the Department is trying to get as many people notified of this application as possible, to hear their comments or concerns. Several of these agencies have

probably already been addressed in the application or in the EIS, but we want to give them another shot to make sure they are aware that the Public Hearing is coming up. We are not asking that there be notifications that take place to adjacent property owners along the pipeline, but we would ask that notifications take place to adjacent property owners (*at a distance of five-hundred feet*) around the substation and pump station locations and the intake facility. If the Planning Commission feels there should be additional notifications, they need to be discussed and added to the list. If there are going to be notifications to property owners along the pipeline, Mr. Giordano stated that he is not sure that five-hundred (500) feet is an appropriate distance. Maybe just the (*immediately*) adjacent property owners should be notified. Mr. Giordano said that there had been no opportunity to discuss this matter with the applicant, and he asked if they would have any problem with additional notifications. (*The SDS representative answered that they have no concerns with the additional notifications.*) Mr. Giordano noted that CSU will have to negotiate with each of the property owners. The question becomes, when putting a pipeline in, how far reaching will the effect be on adjacent property owners? Keep in mind that the pipeline may go up the property line, and there will be property on both sides. Both of those owners will be contacted and will have to be dealt with in the negotiations.

Mr. Spiller noted that the easement will actually be one-hundred (100) feet for the pipeline and an additional one-hundred (100) feet for the power, for that section of the pipeline that has the power running adjacent. We will interact with each of the property owners that are affected.

Mr. Giordano stated that the Planning Commission needs to consider the additional notification recommendations. Whether there is a motion to approve or deny the SRU, the Planning Commission will have to make an additional notification recommendation anyway, because either way the request will still go forward to the Board of County Commissioners (BOCC) in a Public Hearing. The only way this item will not go forward to the BOCC is if the Planning Commission tables it or requests a continuance.

Chairman Piltingsrud called for questions from the Planning Commission.

Mr. Sandoval asked if each of the pump stations require an electrical substation of their own, other than the stand-alone electrical substation.

Mr. Spiller replied that the main (*electrical*) substation on the south side of the river will provide power to the intake pump station, so the intake pump station will not need a separate substation itself. The proper voltage will be going to the intake pump station from the initial (*electrical*) substation. Pump Stations #2 and #3 will have stand-alone electrical substations that are collocated with those pump station facilities because we will be bringing power up to those at the 115 kV level and we will have to reduce that voltage to the proper voltage for the motors on the pumps. The intake pump station is close enough to the initial substation such that it will not need its own stand-alone substation.

Mr. Sandoval asked if the four-hundred thirty-one (431) acres would encompass the electrical substations, the pump stations, and the stand-alone substation.

Mr. Spiller answered that all facilities are included in that acreage.

Mr. Sandoval asked if the electrical line required for the seventeen (17) miles of pipeline is dedicated to the pipeline, or will you be branching off of other electrical lines that might already exist?

Mr. Spiller replied that there will be a dedicated electrical line from the new substation that will parallel the pipeline all the way up to Pump Station #3. The electrical line won't have to continue any further than the final pump station. The electrical line will be dedicated specifically for these pump stations, because the electrical services currently in those areas do not have the capacity to power the pump stations, so we can't pull off existing electrical in the area. I'm not going to speak for Black Hills and what they might do in the future. Once they have that line going out there, there is nothing to preclude them from feeding off the line that goes out to the pump stations for other uses within the County, but the line will have to be built for this project. It may be used for other uses as well if those develop in the future, but there is not the existing capacity in this area that we could just tie onto without building this line.

Mr. Sandoval asked if these are going to be aboveground electrical lines.

Mr. Spiller answered yes, that is the current plan. I believe that is what Black Hills does with their power. I don't believe they have any underground lines at this capacity.

Mr. Sandoval asked if there is a visual description or representation of what these electrical lines will look like.

Mr. Spiller showed a slide of the two different types of poles that are contemplated, that Black Hills currently uses for this voltage. Black Hills will come in with their own permit application and get specific on the details. The two types of poles are the single-pole type, which has three conductors that are vertically spaced and offset, and the double-pole type, where the conductors are run horizontally across.

Mr. Sandoval asked how high those poles are going to be along the length of the pipeline. What is the typical range of height?

Mr. Dan Smith, Black Hills Energy Director, Economic Development and Customer Relations, answered that the poles will be approximately sixty (60) to sixty-five (65) feet in height. The spacing will be about three-hundred (300) feet in a straight line. If the line goes over a canyon, the spacing could be longer, but typically three-hundred (300) to four-hundred (400) feet.

Mr. Sandoval asked why underground power could not be considered.

Mr. Smith responded that it is a matter of cost. It costs approximately one and one-half million dollars per mile to put 115 kV underground, so it would be prohibitive for this application. Another problem with underground installation is if there is a problem, it is hard to detect if it is underground, and harder to repair.

Mr. Spiller stated that Exhibit 5.1 of the application gives a summary of the electrical requirements of the project.

Mr. Schnobrich noted that under the Recommended Notifications, there are no Fire Departments listed, nor the Penrose Water District.

Mr. Giordano said that **Penrose Water District should be added to the Recommended Notifications. We already have comments from the Florence Fire Protection District, but the Department wouldn't have a problem with adding that as well**, to give them another opportunity to comment.

Mr. Schnobrich agreed that it would be a good idea to add Penrose Water, because he is concerned about the impacts to some of the ditches in that area, especially up towards the reservoir (*Brush Hollow Reservoir*). He asked if there has been any planning done in the community as to how this might be a benefit to us, rather than just how to minimize the impact that the project is going to have. For example, would the Fire Department be able to draw water from this pipe in an emergency situation? If we had a fire up in that area, would the Fire Department be able to go to the pump station to draw water for their fire trucks, or is the system hermetically sealed and proposed to run through our county with nothing for our benefit?

Mr. Spiller answered that we haven't had that specific level of discussions with the Fire Department for this project, but on typical projects that we have run in other areas of Colorado, we work with the Fire Departments, because they are going to be the responder if there is a fire at the pump station. We always have fire hydrants at the pump station, and the fire departments have access to the pump station anytime to respond to an incident at the pump station. Generally, on other pump stations we have done for CSU, if the Fire Department needed to use those same fire hydrants to fill their trucks to fight a fire it would be perfectly acceptable. Water is always available in the pump station when we are pumping. The pipe holds about a million gallons per mile, so during winter months, or other times when the pump stations are not in operation, there would still be a fair amount of storage within the pipeline itself that you could draw from to get flow. Once we work with the Fire Department here on a specific design of a pump station, we will work with them about what they would need in order to hook up pumper or trucks to the facility. That is typically something we do in the final design phase.

Mr. Schnobrich said he knows this gets complicated in terms of how much water is in the river and who gets access to what water, but with all those things being set aside, if the County for some reason would have the right to draw water from this facility, would they be able to benefit from this pipeline as well, or is it just water pumping through the County and disappearing down the road?

Mr. McCormick responded that he appreciates that question and thinks it is a good one. We are open to partnerships on this project in Fremont County with the caveat that we have been through a lengthy and expensive environmental review process on the federal level and that review has not included partners other than what have been mentioned this evening. We are

very open to additional partnerships. In order to do that, it would require some level of supplemental environmental review and agreements to put those partnerships together, but we philosophically are very open to that.

Mr. Schnobrich asked if the pipeline will have the capacity to handle partnerships in the future, once it is built.

Mr. McCormick answered that it will.

Mr. Spiller said that the closer the physical facilities are to the source, the more capacity will be put through because you can push more water through a shorter distance. Within the intake pump station, the facilities could handle it (*additional partnerships*) without too much modification.

Mr. Schnobrich stated that for future economic development in the County, this pipeline could be considered a resource for the County as well, provided that additional partnerships are developed.

Mr. Giordano noted the Planning Commission could consider recommending a condition to that effect. You have to be careful that you don't put approval into someone else's hands. You could put in a general statement that CSU work with other agency departments in partnerships, providing services within reason. A partnership arrangement would have to be agreeable to both parties.

Mr. McCormick said that is true, and we need to follow all of the other permitting requirements and environmental reviews to allow that.

Mr. Schnobrich added that there has to be available water. My concern is that this isn't going to be some rip through the County that won't have any benefit to us down here. He then asked if pump stations are noisy, or if they are going to have trucks rolling in there.

Mr. Spiller answered that the pump stations are large facilities, physically. They are unmanned facilities, so a typical pump station would get a visit from a couple of people in a pickup truck once a week to check on operations. The facilities are remotely monitored. As to noise, they are very quiet as far as the pumping is concerned. Until you walk inside the structure, you will not know if the pumps are running or not. There is no exterior noise from the pumps. The only exterior noise that you get is from the air handling. The pump motors generate heat so we have air handling units that are the same as in any commercial building. For the two years of construction, there is the noise and disruption of heavy construction activities. Once construction is complete, the traffic will consist of weekly visits, generally pickup trucks, no large trucks.

Mr. Schnobrich asked if there are a lot of permits in the area north of Florence for gravel mining. One of the exit routes onto Highway 115 will cross over this pipeline area. Have we taken into consideration how this will impact those permits at all? At one point in time, I thought that whole area was slated for mining.

Mr. Giordano replied that there is a CUP for mining north of the intake but it is difficult to determine if it will impact their mining areas. I believe it needs to be determined in the negotiations for easements. The property owners will be able to use the property, but they will not be able to mine in the easement.

Mr. Schnobrich asked if the property owners have to grant the easements. Is this like a public condemnation? What happens if a property owner simply says "I'm not doing this."? What are the alternatives?

Mr. McCormick said our intent is to work with property owners and do everything we possibly can to negotiate agreeable settlements. We, as a public entity, do have powers of eminent domain, but we always see that as a very last option.

Mr. Schnobrich said the cost of this project, as stated, will be about one billion dollars, which is a substantial amount of money. Could you go into a little more detail about the workforce that is going to build this pipeline? How are you going to contract that? Will there be union labor involved or will you import labor from out of the country? Did you accept any federal dollars for this project? How is this going to benefit the people in Fremont County and the construction people in this area?

Mr. McCormick responded that SDS is a very big project. At this point, we are not making commitments to union labor. We expect to complete the work, and we believe that those that have the skills to compete for a construction contract on this project are in the region for much of the work. We believe there would be an advantage to those located nearby, in terms of their cost and their ability to compete. Some components are very technical and may require equipment and services that are less available locally, but many of those goods and services are available locally. The work is mostly pipeline construction, excavation, the kinds of things where there is a lot of general labor, and local people would potentially be able to get jobs on this project. There are no federal dollars involved. This is all funded by the rate payers of the communities that are partners in this project.

Chairman Piltingsrud said that he assumes, in the recommended additional notifications, that the Department meant the **Lower** Arkansas Water Conservancy District.

Mr. Giordano agreed.

Chairman Piltingsrud recommended **adding the Beaver Park Ditch Company to the list of notifications**, because they are the ones who run the irrigation laterals. He also recommended adding Penrose Water District, which was already discussed. Mr. Moore indicated that there were portions where the pipeline comes very close to Highway 115, and he was concerned that might be somewhat prohibitive for any Colorado Department of Transportation (CDOT) expansion of Highway 115. He said that the response from the applicant was that CDOT does not oppose the pipeline easement abutting their right-of-way, but that doesn't necessarily answer the question.

Mr. Spiller responded that the right-of-way along Highway 115 is fairly wide. CDOT relatively recently got more right-of-way along Highway 115. Some of Highway 115 has

been expanded, and in our conversations with CDOT, they feel that they have adequate right-of-way to do any expansions in that area within their existing right-of-way. The most you can get out of CDOT is that they won't oppose the project.

Chairman Piltingsrud said that might be a question the Commissioners might want to discuss when they get their notification back from CDOT.

Mr. Giordano said we have not received anything from CDOT. They probably will not take much action until they receive an application.

Mr. Spiller noted that some of the comments we have received, perhaps regarding the draft EIS, asked why we don't put the pipeline in the CDOT right-of-way and avoid private property owners. In discussions with CDOT, they don't want that because they want to keep their right-of-way whole for their use for any expansion. They have what they need, and we just need to abut their right-of-way.

Chairman Piltingsrud said, personally speaking, I hate to give CDOT a reason not to expand Highway 115. Regarding comment #13 of Mr. Moore's review letter, the applicant responded "The applicant concurs that the approval of this application be contingent upon CSU providing upgrades to the construction vehicle routes throughout the SDS project area." I do not see this in the Department contingencies.

Mr. Giordano answered that recommended condition N is a general statement of compliance with the requirements of the Fremont County Reviewing Engineer, as per letters dated November 18, 2008 and October 10, 2008.

Chairman Piltingsrud asked the applicant if they would construct and maintain the roads and do what is necessary to make sure they are as good or better.

Mr. Spiller answered in the affirmative. Some roads will definitely have to be better for construction to take place. There are also Fire Department access requirements to the pump stations that will require some road improvements.

Mr. Giordano said there are some general catch-all conditions (*such as compliance with the County Engineer's review comments*). If the Planning Commission feels they warrant specifics, such as road improvements, you might want to expand them as specific conditions.

Mr. Jackson asked the applicant, regarding the County Engineer's letters, if there is anything that Mr. Moore mentioned that they don't concur with or have a problem with.

Mr. Spiller answered that we know a lot of details will have to be worked out as we go through the design process, and we will be working with Mr. Moore and other County staff to make sure we address everything. There is nothing in there (*Mr. Moore's review comments*) that we object to. We know there are a lot more details that need to be worked out.

Mr. Jackson noted that Mr. Moore had a lot of comments with regard to drainage and problems that exist with the construction.

Mr. Spiller stated that we have had several discussions with Mr. Moore about drainage, and as we work the final grading around the pump stations and the like we will be working through those drainage issues.

Mr. Jackson observed that the applicant has had quite a bit of hydrological work done as far as the river goes. He asked if they have had any work done upstream from the boat chute and coffer dam to determine what properties might be in jeopardy under flood stage. That is a liability situation.

Mr. Spiller answered that they haven't done the final design, but the design approach will be that during floods there will be no upstream impact to flood stage. Whatever we design here will essentially be no harm, and it will not make any flooding worse on the upstream. That is the criteria we will be designing towards. The new diversion structure will be designed such that it passes the same flows with no impact to upstream. We haven't done the exact design, but at the end of the day, that is what our studies will show.

Mr. Jackson said he presumes that when the construction gets underway, they will have sufficient engineering staff to inspect the work as it moves along, because a large project can get out of hand if not.

Mr. Spiller responded that we will be on top of that.

Mr. Jackson asked if they intend to inform the Upper Arkansas Water Conservancy District as they proceed along.

Mr. Spiller answered that they are in regular contact with us about the project, so they are pretty well informed and will continue to be. They certainly have an interest in the project.

Mr. Jackson stated that he enjoyed the applicant's first presentation, but wondered if they were going to further that somewhat. When we see the application from Black Hills, we will get a lot of additional information with regard to how they intend to proceed. That will come later.

Mr. Spiller said Black Hills will be specifically designing their facilities and they will have the details on what those facilities will look like.

Mr. McNew asked what ten million gallons per day equals in cubic feet per second.

Mr. Spiller said he thinks that is about fifteen cfs. The minimum flow is ten million gallons per day and the maximum flow is seventy-eight (78) million gallons per day.

Mr. McNew asked what the source of the water is.

Mr. Spiller said it is generally exchange rights of water that Colorado Springs Utilities, Fountain, and Security have on the Arkansas River.

Mr. Keith Riley, Colorado Springs Utilities, SDS Permitting Program Manager, answered that primarily trans-mountain return flows are being exchanged upstream. Colorado Springs brings over west-slope water, mostly through the Frying Pan - Arkansas Project. That water is used in Colorado Springs, it is returned to Fountain Creek and then it is exchanged from the mouth of Fountain Creek up into Pueblo Reservoir, Twin Lakes, and Turquoise Reservoirs.

Mr. McNew asked if the Department of Reclamation granted their storage rights in Pueblo Reservoir.

Mr. Riley answered not yet. That is what this whole EIS is essentially for, so that the Bureau of Reclamation can study the impacts of this project before entering into long term storage contracts.

Mr. McNew said maybe he is getting a little off the subject of the permit for the pipeline and the pump stations, but there is possibly an effect on property owners along the Arkansas River. If you take the water out of the Pueblo Reservoir, you have storage there. If you take the water out of the Arkansas River, at Florence, and your water rights are senior to some farmer in Fourmile, you are going to affect the price of his property by shutting his ditch off, whereas if you took it out of Pueblo Reservoir, that wouldn't happen.

Mr. Riley responded that we would prefer to take the water out of Pueblo Reservoir.

Mr. McNew said although you say this will benefit Fremont County; I am looking at the pessimistic side of it. When we had the drought a few years ago, Cañon City water right was called, and through the efforts of the Upper Arkansas Water Conservancy District, Cañon City was able to keep drawing water out of the Arkansas River, because of the storage exchanges. If Colorado Springs was to call their seventy-eight (78) million gallons a day and make a farmer here shut his water off because of that, the same wouldn't happen if they take the water out of Pueblo Reservoir.

Mr. Riley stated that there are some other operations on the river that make this a complex situation as well. I'm referring to the Upper Arkansas Voluntary Flow Management Program. Colorado Springs has been a participant in that for many years. We comply 99% of the time with that voluntary program. There are very limited situations where there is not enough water to go around as you are describing. We have modified operations in the past to avoid injury to other uses. We can't stand here tonight and guarantee that will never happen, but we have a history of working with other water interests along the waterway to make sure that injury is minimized wherever possible.

Mr. McNew said that is a big concern of mine. I have been in several meetings with CSU and I remember one in particular in Buena Vista. I asked how much money Colorado Springs was spending on conserving water in relation to what they were spending on obtaining water for the next forty years. I don't remember the exact figures, but it was

ridiculous at the time. Spending billions of dollars on this pipeline for your water rights could injure some of the water users as far up as Chaffee County. This has me concerned that you are trading clean water from the Arkansas for the water that is in the Fountain Creek that I have read a lot about in the Pueblo paper. Is that true?

Mr. Riley replied I think it is a fair statement that we are spending a lot of money on this water project. We also spend a lot of money on conservation, and we have among the lowest single-family per capita usage in Colorado and beyond. Our conservation efforts are very effective. We have studied the potential for additional water conservation rigorously, and those studies show that continuing to conserve more and more is still not going to meet the water demands that we are facing forty or fifty years out into the future.

Mr. Jackson asked what the date is on the CSU water rights.

Mr. Riley answered that we have a pretty vast portfolio of rights. Most of the exchange rights that will supply this project are early- to mid-1980s exchange rights.

Mr. Doxey said it was touched on briefly that there is some revenue to be had in Fremont County. What I am concerned about is the Penrose Area. We are all dirt farmers up there. I was short of water this year just for irrigating. Here we are talking about seventy-eight (78) million gallons of water a day possibly. For us to get water for our ditches or to help our ditches, and to get drinking water, Penrose Water District has shares of water, but we have to get them up here somehow. This commitment you partially gave made me feel a little better. My second comment has to do with someone named Mr. Million that had all that water coming out of Wyoming that is going wasted down through the Flaming Gorge Reservoir. What do you know about that? This discussion kind of side-tracks us, but we are talking about water. Mr. Million said he has water for everybody, from Fort Collins down to Pueblo. Somebody asked CSU and they discounted it. Why aren't you talking about this water storage and this water source? We as newspaper-readers are asking what is going on here.

Chairman Piltingsrud said that this discussion is a little far afield. I do know that at the next Arkansas Roundtable, there is going to be a discussion on the Flaming Gorge Project, so if you want to come down for that meeting, that would be a good one to sit in on. This permit isn't dependent on Flaming Gorge water. The County is going to get abundant comments from the Upper Arkansas, the Lower Arkansas, and the Southeast Water Conservancy Districts, whether or not the CSU exchanges can work, and whether or not their priority dates are going to harm some of these areas. I don't think we need to get into the water attorney business here because none of us have that expertise.

Mr. Doxey said I don't think any of us have the expertise that you are saying right now, we are all just grabbing at straws.

Chairman Piltingsrud said he is not going to disagree with that.

Mr. Schnobrich said that brings up the question, what should we be basing our decision on then?

Chairman Piltingsrud said if CSU puts in a sixty-six (66) inch pipe and three pump stations, and the division engineer at state says you can't pump, then they can't pump. The division engineer controls the priority dates, controls how much water you take, and the County is going to get flooded with information from the Water Conservancy Districts.

Mr. Schnobrich asked if we should be limiting our decision to hours of operation on construction work, etc.

Chairman Piltingsrud answered we are looking at adverse impacts to surrounding property owners, what the pipeline would do to the County, whether the pipeline and its concept is in compliance with the Master Plan or not. Whether the Master Plan even contemplated a pipeline might be a little difficult to say. That is what we are here to discuss. Issues about water rights are not really our purview. Now the Commissioners, as they have done in the past, can hire an independent expert to give them advice on water rights, because even the Commissioners are not going to have the knowledge necessary to discuss this. That is something for the Commissioners to discuss.

Mr. Doxey said that is something you should have told us at the beginning of our meeting. Water rights are something I am reading about all the time.

Chairman Piltingsrud said he would allow the applicant to respond if he would like to discuss the Flaming Gorge Project.

Mr. Riley said he would be happy to discuss why that is not an option for CSU. Number one, we have a need for water delivery in the next several years. The Flaming Gorge Project that you referred to is under dispute as to how much water is actually available. Not everyone agrees that there is as much water available as Mr. Million says there is. We don't have water rights there currently, and we can't get that water here on time even if we did have those water rights. Those are some of the brief reasons why we are not pursuing that project.

Mr. Sandoval said he would like to get back to fundamentals about the actual construction project. I really appreciate Mr. McNew's comments and Mr. Doxey's comments because they put this project in perspective. I feel that we are looking upon impact here, and as long as there is going to be impact, it seems to me that there should be reciprocation. We have talked about it monetarily, but sometimes monetary reciprocation can't take care of injuring water rights for someone else. I appreciate that. He asked if the application to Pueblo County includes aboveground electrical lines as well.

Mr. Spiller answered regarding the proposed action from the dam, there is one pump station in Pueblo County, and there are two pump stations in El Paso County. Due to the terrain, that is where the pump stations laid out. The Pueblo County application has a combination of aboveground and underground power. The substation would be put in Lake Pueblo State Park. About half the power going to the pump station would be aboveground and half would be underground. The difference is there would be a lower voltage going to that pump station. Similar to the Intake Pump Station in Fremont County, the main substation in Pueblo County would be located very close to the first pump station, so there does not have to be a standalone substation at that pump station site. The power is going in at 13.2 kV as opposed

to 115 kV, which is an easier power to put in an underground conduit than the higher voltage power is. So in Pueblo County, power is proposed to be a combination of aboveground and underground.

Mr. Sandoval asked in terms of cost to the County, there is going to be some infrastructure costs and maintenance costs in the future in terms of running your pump stations or what goes on at Florence City Park. Is there going to be a division of infrastructure costs? Is CSU going to assume some responsibility for maintenance and infrastructure costs in the future? Is there some statute of limitations after which you will no longer be responsible for infrastructure costs?

Mr. Spiller responded that for any damages done or impacts during construction; we will take roads back to as good as, or better than, existing conditions. Future maintenance costs are primarily going to be around the diversion itself. That diversion boat chute and the immediate vicinities, if they are part of the project facilities, would be maintained in perpetuity by the applicant, because that is required to run the facilities. Future maintenance along the pipeline route is going to have to be continued, as far as just maintaining the pipeline. As far as the pump station sites, those will be maintained. Access roads that are required for maintenance workers to get to the pipeline will be maintained. As far as the general public roads, I don't anticipate maintenance to continue in the future, because we are only talking a few vehicle trips a week or a month.

Mr. Sandoval asked who monitors or establishes or enforces standards for the reclamation or restoration of pipeline areas.

Mr. Riley answered that will be part of a mitigation plan for the overall project that will be administered by the Bureau of Reclamation. These will be conditions of our storage conveyance and exchange contracts that we are seeking through them. We will have requirements for periodic monitoring and reporting to the Bureau, and so if we are not meeting the obligations of the mitigation plan, the Bureau has the ability to cancel our contracts.

Mr. Sandoval asked what the anticipated life of the project is.

Mr. Spiller replied forever. With proper maintenance, repairs, and replacement, the facilities can be part of the Colorado Springs, Fountain and Security water system as long as those communities exist.

Mr. Sandoval asked about physically laying out the pipeline and final reclamation, during the construction phase.

Mr. Spiller answered they anticipate that the total construction will take about three years. Each of the pump stations takes about two years to construct, the intake pump station, because it is larger and because of the diversion structure, will take about thirty months to construct. The pipeline will be constructed within that period, seventeen miles within Fremont County, and the remaining miles within El Paso County. The overall duration will

be about a three-year construction period. In Fremont County it will be less than three years, but the pump stations are some of the longer duration activities.

Mr. Sandoval asked how many sites they anticipate working on simultaneously.

Mr. Spiller answered that all three pump stations will be going simultaneously, although they may not all start at the same time. We will be doing three facilities at two years each over a three-year period, so there will be at least some overlap in the middle. The pipelines will be more sequential, construct one end and go to the other, but there will be some overlap of the pipelines as well.

Mr. Sandoval asked, since you are running quite often parallel to Highway 115, what type of impact upon traffic on a daily basis do you anticipate?

Mr. Spiller answered that there shouldn't be any impact. We are going to have to work with CDOT regarding specific areas that we can access the pipeline route from Highway 115. Where we are paralleling Highway 115, and we will be pulling off the highway and getting on the pipeline route, there will be a couple of very specific access points from Highway 115 and we will work those out with CDOT so that we don't disrupt the traffic. If there are truck turn-out areas, those will be set up so that there are proper acceleration and deceleration lanes.

Mr. McNew asked how much this project will increase the flow in Fountain Creek.

Mr. Riley answered that on average, when you look out at the year 2046, we are looking to put about forty to fifty cfs more into Fountain Creek.

Mr. Schnobrich said this is the first time that I can recall that we have dealt with a substantial project like this by a public entity, CSU, and not a private company. They have the right to condemn property and to do what they need to do to get this done. What is it that we can decide here? We can't tell them they can't build this project. We can't vote against it. They can just build it anyway they want to. Can we include additional requirements such as oversized pipes so that in future we can draw water if we need it for economic development? How can we as a community benefit from Colorado Springs's project, when we know that they can do it anyway?

Mr. Giordano answered that we are evaluating land use impacts. I'm not sure our regulations are geared to address benefits.

Mr. Schnobrich said that one of the charges of the Planning Commission is to also look at economic development and community development. What is best for Fremont County? Not just whether it complies with the regulations, but is there some other benefit involved here? This is going to be a substantial disruption to the people of this community, years of problems in terms of water rights. I'm also looking at this as a project that is just going to roar through Fremont County and we will see no benefits at all from it. Why can't we require them to build a pipeline over to our Airport Industrial site as part of the deal to go

through here? Why can't we ask them to fix up some of the ditches in the Penrose Area in the Penrose Water District? Are there things we can do in that respect?

Mr. Giordano said they talked about benefits to the Fire Department, and working on partnerships. I think you can put some general language in the conditions, and if they are willing to do those things, then I think that is within the realm of possibility. I don't think we can force them to do it. I would ask, if you are going to deny the application, what is the impact related to land uses?

Mr. Schnobrich said at this point, I am leaning toward not supporting this, just because I don't know what the full impact is going to be.

Mr. Giordano said this is not a business application. This is not a company coming in here providing employment opportunities. This is a utility company, and you should be addressing land use impacts. When you start writing conditions, you need to be really careful not to put the approval into someone else's hands. For example, if you say they have to provide whatever Florence Fire Department wants, all of a sudden, Florence Fire Department is approving the application, not us. If we say we want them to work in cooperation with the Florence Fire Department to provide whatever is reasonable, that is okay. I'm not sure you can force them, because how is that a land use issue? When we look at businesses, we look at the impacts they are going to have to the neighbors. Are the uses compatible? I agree with Chairman Piltingsrud, the water rights are not up to us. If they don't have the water rights, the project goes away. If they do have the water rights, they are going to put pump stations in. What effect do those pump stations have on property owners? What effect is the pipeline through people's properties going to have? You have the right to include conditions that eliminate impacts that are related to land use.

Mr. Sandoval asked if there will be compensation for landowners who are indirectly affected, whose property is immediately adjacent to the pipeline, but the pipeline does not touch their property. Are you offering any compensation to those landowners whose view shed is disrupted by the electric lines?

Mr. Spiller answered that they are compensating only the property owners that are directly affected by the project, i.e. if the pipeline easement or the electrical easement is on the land, then those property owners are compensated. You would not be compensated if you are not directly affected by the footprint of the project.

Mr. Sandoval asked about a person, who does not want to sell their property, e.g. they are not offered what they think their land is worth, in regards to the state of our economy. Does that mean condemnation?

Mr. Spiller said that generally follows the uniform act federal guidelines for acquiring land for public properties. An appraisal will be done on the land, paid for by the project. The appraiser will meet with the property owner, go through the property, and appraise the land. We also give the property owner the right to hire their own appraiser, at the project's expense. Those two appraisals will be looked at. If they are too far apart, a third appraiser will evaluate both appraisals and give a judgment, so that a fair and just compensation is

offered to the property owner. CSU does not just come in and say we believe this is the value of the land. Going through that process sets a fair and just compensation for the property, including all impacts and other things. We go a long way to try to settle with the property owner. If that all becomes unsuccessful, the last resort is the right of eminent domain for a public utility. We have a large project that will affect numerous property owners in Fremont County and El Paso County, and eminent domain was set because you can't have one piece of a large pipeline that is missing. We will follow the uniform act that is set forward on how we compensate property owners.

Mr. Sandoval asked Mr. Giordano what the concerns are if some of the regulations or the Master Plan change affecting land that the SDS is on. Is this something that this on-going project would pay heed to, or once they have been granted the SRU, are they immune to having to pay attention to changes in the County regulations and/or Master Plan?

Mr. Giordano answered that if the regulations changed so that something was no longer permitted, then it would become a nonconforming use, and would be subject to expansion requirements, or however we address nonconformance at that time.

Chairman Piltingsrud asked for any other questions before he calls for public comment. Hearing no more questions, he said he would call the members of the public up according to the information slips submitted. Each speaker will be limited to five minutes. You are speaking to the Planning Commission, to the record, and indirectly to the Commissioners. The applicant will be asked to respond to all of the questions at once, after the public comments.

**Ms. SeEtta Moss, 725 Frankie Lane, Cañon City**

I am a resident of Fremont County, but I am here as the conservation chair of the local and the state Audubon Society. My question is in terms of impacts downstream of the intake. You stated tonight that sediment was going to be sluiced out and returned to the river. Will that create an additional burden of sediment to the river, or is there some process to make sure that the amount of sediment going downstream is proportional to the amount of water after that intake? Also, I didn't hear anything about the applicant reducing their carbon footprint, which I discussed with them. This project is going to be utilizing an exceptional amount of electricity in a day in which we are trying to reduce carbon footprints. My understanding is they were going to be working towards that. I would like them to make some comment to the record about that. Thank you.

**Mr. Ron Gasser, 435 B Street, Penrose**

I am a resident of the west side (*of Penrose*). I haven't heard anything that speaks to the lights on the pump stations. I would just ask that the lights not shine up and out, because right now the sun rises and sets to the south since the prison was built. I'd like to keep the lights down a little.

**Mr. Gary Ratkovich, 1164 13<sup>th</sup> Street, Penrose, President of Beaver Park Water Irrigation Board**

We are also the sole supplier for Penrose Water District and the only source of water in Penrose. We do have several important concerns that we would like to address before any

approval is given to the permit. One of them, of course, is how the proposal is going to affect our ditches and laterals. We do own Brush Hollow Reservoir. There is a pretty good-sized pipeline that comes out of the reservoir, and then we have other pipelines and laterals that service Penrose. We really haven't had any correspondence with CSU to talk about any of that. Another concern, or opportunity, would be, as stated earlier, a possibility for us and Penrose Water District both being able to get some water out of the river and maybe benefitting the irrigators as well as the drinking water portion of that. There are some other concerns that we have. CSU and Penrose Water District both have water rights on Beaver Creek. There are certain issues that we would like to get ironed out before approval is given to this project. If I could give you my humble opinion on the approval or disapproval, if it wasn't necessary for approval to be given by this board and the County Commissioners, I don't think they would be here asking for our approval. I really do think you have some power to try to get accomplished what is in the best interests of Fremont County. Thank you.

**Mr. Phil Burns, member of the Board of Directors of the Rocky Mountain Environmental Labor Coalition (RMELC)**

I would like to acknowledge the hard work and dedication CSU has put into this project. I have been a part of this for quite some time, not on the same side they are most of the time. RMELC is a not for profit organization that seeks to ensure a balance between rapid population growth, labor interests and the preservation of the natural environment in the Rocky Mountain region. RMELC provides a voice for workers and unions to engage their neighbors and public officials on pressing environmental issues such as the proposed SDS project. RMELC seeks to unite union members, environmental activists and other concerned local citizens in the Rocky Mountain region to fight for good jobs and a clean environment in furtherance of the laudable goals of the Blue/Green Alliance.

I, like many members of RMELC, live, work or recreate in Fremont County. We have an interest in ensuring that Fremont County only approves projects that are consistent with the Fremont County Zoning Resolution (FCZR) Approval Criteria, federal and state law, and are in the best interests of the citizens of Fremont County. I am here tonight to voice RMELC's objections to the SDS Highway 115 Alternative because we believe that this alternative will cause unnecessary and adverse environmental conditions in Fremont County and throughout the Arkansas River Basin with little or no benefit to the citizens of Fremont County. For, while the proposed SDS project clearly will benefit the new residents in the Participants' communities and of course the developers of the properties in El Paso County, the SDS project is detrimental to the interests of Fremont County.

Due to many problems and concerns described in the Draft EIS and the Supplemental Information Report for the proposed SDS project, the Highway 115 Alternative is **not** the Participants' or the Bureau of Reclamation's preferred proposed action – that route is through Pueblo County as contained in Alternative Number 2 for which the project proponents are currently seeking a permit under the 1041 process in Pueblo County. In addition, the Army Corps of Engineers and the U.S. EPA (*Environmental Protection Agency*) have indicated in the past that the Wetland Alternative is their preferred proposal because the Wetland Alternative will cause less environmental damage.

The Draft EIS and the Supplemental Information Report for the proposed SDS project raise the following issues and concerns relating to the Highway 115 Alternative:

1. The implications of greater streamflows resulting from the Highway 115 Alternative;
2. Diminished water quality throughout the Arkansas River Basin including Fremont County;
3. Effects on aquatic life including more streambed impacts than other SDS alternatives which will result in decreased fish habitat and negatively impact angling throughout the Arkansas River Basin including Fremont County;
4. Negative impacts on boating along the Arkansas River and in the Pueblo Reservoir;
5. Pueblo Flow Management Program target flows will be met less frequently under the Highway 115 alternative than the other SDS alternatives;
6. Greater impacts on wetlands than other SDS alternatives;
7. Adverse effects on pronghorn range that will not be caused by other proposed SDS project alternatives;
8. More noise and vibration impacts than other SDS alternatives particularly in Fremont County;
9. Moderate to major impacts on visual effects due to two new pump stations and power lines in Fremont County;
10. Permanent loss of farm land would be greatest for the Highway 115 Alternative other than the No Action Alternative; and
11. Permanent disturbance of 2329 acres of migratory bird habitat and 7 nests of raptors if the Highway 115 Alternative is approved.

In May of 2008, the U.S. Fish and Wildlife Service raised concerns about the Highway 115 Alternative and its potential negative impacts on endangered species including impacts on the Mexican Spotted Owl's designated critical habitat and winter habitat along Highway 115. This critical habitat should be reviewed carefully to avoid negative impacts on this endangered species and a strong plan of mitigation must be instituted. Otherwise, issuance of the Fremont County permit may result in violation of the Endangered Species Act.

The U.S. Fish and Wildlife Service also stated that some facilities in the upper Arkansas River Basin near U.S. 24 and the Otero pump station are within the range for the Canada lynx. Similarly, the Supplemental Information Report notes that the Highway 115 Alternative will displace temporarily the Canada lynx while the other alternatives, except for the No Action Alternative, will have no effect on the Canada lynx.

In sum, RMELC believes that the Highway 115 Alternative as proposed for the SDS project will negatively impact Fremont County's environment, its landowners and sportsmen who recreate in the area as described in the Draft EIS and Supplemental Information Report for the proposed SDS project, and comments submitted by federal and state natural resource agencies. For these and other reasons, Alternative Number 2, not the Highway 115 Alternative, is the preferred alternative for the proposed SDS project as identified by the Bureau of Reclamation and the project participants including Colorado Springs Utilities.

The SDS application before the Fremont County appears to be nothing more than a hedge by the project proponents to leverage Pueblo County and other stakeholders. RMELC therefore

urges the Fremont County Planning Commission to recommend that the Fremont County Board of County Commissioners deny the SDS Special Review Use Permit application as currently configured because the proposed project is not in the best interests of Fremont County, and is inconsistent with the Fremont County Zoning Resolution. Thank you for your time and attention.

**Mr. Dennis Jones, 1047 Indiana Avenue, Cañon City, Colorado**

*(Mr. Jones distributed packets of information to the Planning Commission members.)* What I am giving to the Planning Commission members are comments made on the EIS that are pertinent for the Commission to consider when they are also considering conditions and contingencies on the SRUP application so that the County Commissioners may consider those conditions, rather than trying to hack this thing out at the County Commissioners meeting based upon whatever recommendations you make. I would prefer that you consider these conditions and contingencies that I put in the record here as part of the conditions and contingencies that you recommend to the County Commissioners, which would enable CSU to be prepared to respond to some of those conditions. This has been a many year process, and it has only been forty-five days (*since application submittal*), and it has only been about eight days that you have had this information in front of you. I have to commend CSU. I have worked with Mr. Riley in the past, and we have had some good conversations. C2MH Hill has opened their doors to me. I have been studying this for many, many years and I ask a lot of questions and they answer them all, and we disagree. They have a passion to serve the citizens of Colorado Springs, but we have a passion to protect the citizens of Fremont County. That is why I am here tonight; to ensure that the Planning Commission will at least consider some of my recommendations for conditions and contingencies to be placed upon this application before it goes before the County Commissioners. I am not here to argue about water rights. They have the right to take water from the Arkansas River based upon some of the things they have accomplished in past years. Back in the mid-1980s they started working this. We have been working on it for twenty years. Mr. McNew, Dr. Sandoval, and Mr. Schnobrich, you hit some great points, and I really appreciate that, you are right on target. We have to protect our citizens, and some of your questions address that. They are going to pull that water and take it to their residents in Colorado Springs, whether it is from their preferred site, which is the Pueblo Reservoir, as they mentioned in their comments, (*or the Arkansas River*). My recommendations are:

- **The SRUP only be issued contingent upon CSU not obtaining a permit from Pueblo County.** If you don't put a contingency in there, and you make it a condition, the Planning Department will issue the permit if there are no contingencies, only conditions. And then CSU will just have to fulfill those conditions as they go along. If you make this a contingency, the Department won't issue the permit until CSU fulfills the contingencies. I think that is very important, and I think you have the ability to approve, contingent upon them not obtaining a permit from Pueblo Reservoir, through Pueblo County to El Paso County.
- **The SRUP be approved contingent upon CSU being required to post performance bonds.** They are a company. You would impose such a contingency on developers. If someone is going to develop a development in Fremont County, which you hear all the time, you require them to put up some kind of performance bond to make sure that they do what they say they are going to do. Because if they don't, who will? CSU said they

would take care of the roads and maybe make them even better than they are now. How many times have you been told that? It could cost Fremont County citizens money. To say this project will be no cost to Fremont County citizens is erroneous. I think putting in this contingency protects Fremont County.

- The Programmatic Agreement is with the Bureau of Reclamation. Would Fremont County have any need to be on that Programmatic Agreement? This is a no-action plan. In other words, there is no contract with the Bureau of Reclamation. No contract will be issued through the Bureau of Reclamation on this pipeline. From Carol Lamb I have in writing that there will be neither involvement nor contract with the Bureau of Reclamation for the pipeline from Fremont County to Colorado Springs. A lot of things I have given to you are comments on the EIS, because this is not a contract with the Bureau of Reclamation, because it is a no-action alternative. What they mean by “no action” is that there is no action to be taken by the Bureau of Reclamation. Fremont County has to make sure that we are protected. Hopefully, you will read my comments because they did address the public roadways, construction to be limited to times in which damage would most likely occur. You know you don’t really do a lot of construction in certain times of the year because of the freeze leaving the ground and what kind of impacts that might have on roads in the future. If they decide to do construction, it is up to County specifications at that time, but what happens a year from now when the freeze goes out and you have settling? Who is responsible? If the County accepts those roads, the County will be responsible. I don’t think we should be responsible. If it is a direct effect of their installation, they should be responsible.
- My final point, and this is the most important part, in their presentation CSU indicated that there is a minimum flow agreement. That was done approximately twenty years ago. It was the result of a lot of hard work on the part of the City of Florence, the City of Cañon City, the Fremont Sanitation District, and most importantly, someone you didn’t put on your list of notifications, the Upper Arkansas Area Council of Governments, who is responsible for the water quality management plan, the 208 plan that is submitted to the State Water Quality Control Commission. That stipulation was a direct result of that 208 plan in 1988. I know because I was part of it. It was stipulated that no exchanges would occur at low flow, one-hundred ninety (190) cfs, measured at Portland, and then the flow at the sanitation district was “guestimated.” CSU mentioned that they were going to look at the flow at the low water dam. I would like the Commission to make a contingency that we finally get an accurate station so that we can measure accurate flows there at that port. **I would like to see the Planning Commission recommend a contingency that CSU install a measuring station to measure the water flow at that point, as well as water quality to be administered by the United States Geological Survey (USGS),** as they do up and down the river. This will give us a real measurement, not a “guestimate”, so that we are not affected. We know that the federal government will require certain things under the Clean Water Act. If they require more stringent return flows from the sanitation district in the Arkansas River, which would take more than one-hundred ninety (190) cfs to pass that flow, who is going to pay for the treatment costs? Is it going to be Colorado Springs or is it going to be Fremont County residents? They failed in their EIS to take into consideration anything that is going to happen here in the next forty years, but it wasn’t hard for them to project what was going to happen in Colorado Springs.

I think you have the power, I think you have the ability, and I suggest you look at the information I submitted to you and consider those as potential conditions, especially the letter from the Fremont County Engineer on the EIS comments. They are very important to be included in these conditions and contingencies. I thank you.

**Mr. Dan Kogovsek, County Attorney of Pueblo County**

I am not going to talk to you about Pueblo. I am not even going to talk to you about Colorado Springs. I want you to think of only one thing as you look at this application, and that is the land use rights, the property rights of people who live in this County. That is the only thing I want you to consider. We have our dispute with Colorado Springs. We will settle that one way or another. If you grant this application, because of their senior water rights, if they take seventy-eight (78) million gallons out a day, that is going to affect the livelihoods, the land use rights, the property rights of those ranchers and farmers in Fremont County, because they don't have the senior water rights that Colorado Springs has. They acquired the senior water rights because they have the money to buy them, something that the farmers and ranchers of Fremont County can't afford. So think of their land use rights. Will this application have a detrimental effect on the land use rights of the ranchers and farmers of Fremont County? I think Mr. Doxey and Mr. McNew were right. To some extent, you cannot separate land use rights, property rights, and water rights. If this application is granted, it is going to have an effect on the land use rights of farmers and ranchers in this county. If you tell the County Commissioners, seven to zero that you approve this application, that will send a message to them. But if your conscience tells you that this application is going to have an effect on your neighbors, the ranchers and farmers, and their property rights, then I think you should vote no, and let that message be heard by the Board of County Commissioners. Thank you.

**Mannie Colon, 3165 Grandview Avenue, Cañon City, Colorado**

The information slip asks if we are pro or con. I checked that as non-applicable. I didn't want to say I am pro or con, I just have some issues I want to discuss. Of my eight issues, all the previous speakers have spoken of them. Why does Pueblo County not want the pipeline going through there, when it is the best alternative route, and it is the cheapest for CSU? Is there a reason parallel to any reason that Fremont County might have? In reference to the width of the easement, I wasn't quite sure. I know it is one-hundred (100) feet for the pipeline itself, and then they discussed the power at one-hundred (100) feet. I was wondering if that was an all-inclusive one-hundred (100) feet, or two-hundred (200) feet, or a portion thereof, say one-hundred fifty (150) feet. I was not sure of the exact width of the easement requirement. We have talked about minimum flows, but obviously during the wintertime, when only native water is coming down, what would be the requirements there? Mr. Jackson spoke of the low head dam. I have some concerns about how that could be constructed without creating some property damage in a real high flood year. The other comment I have has to do with benefits to other people in Fremont County, specifically for municipal or irrigation water, as CSU indicated that they might be willing to share with partners, and what benefit that could be as a positive benefit to Fremont County. Those are the only comments that I would want to duplicate. Thank you for the time.

Chairman Piltingsrud said we are going to take a five minute break and then the applicant will make a final summation.

Mr. McCormick said he would like to briefly address the comments that were made. Some of them were more detailed than others, some of them were lengthy, and some we cannot respond to in this forum. In general we would like to address them, and reiterate our commitments in terms of mitigating the impacts of this project and to creating partnerships where possible. We will go through the list.

Sediment Control - Mr. Spiller addressed the question regarding sediment control. In general, we are planning the intake to have a flow-through with a side diversion on it, so some sediment that drops out in the channel will get sluiced back through. This is very similar to the way the Minnequa diversion and ditch operates upstream of this location. As we go through the final design of that facility (*the intake station*) we will be looking at the velocities within the channel, the size of sediments we will be dropping out, the size of the river that can continue so that we don't build up a sandbar downstream of our diversion. That wouldn't help our diversion, and wouldn't help the river. That is something we will take into account with the final design.

Carbon Footprint - While not an applicant in this process, Mr. Smith from Black Hills agreed to address the question regarding energy use. Black Hills is under mandate from the state of Colorado to reduce our carbon footprint, and by the year 2020 to have twenty percent of our generation be renewable energy. Right now it is five percent, so we are working toward reducing our carbon footprint. Also, we have a demand-side management program. We will be under mandate to reduce our energy consumption by five percent over the next few years, and I will be sharing that with Ms. Moss also.

Lighting at the Substations – Mr. Smith stated that the substations will not be lighted. They will be dark. They will have lights available if we need to go in and work on the facilities, but during normal operations they will be dark.

Mr. McCormick added that CSU is also an energy utility and adheres to the same principles that we just heard regarding energy conservation programs.

Impacts to Ditches - Mr. Spiller addressed the impacts to ditches. I took the comment to be direct impact to the ditches during construction and post construction. As we talked about restoring the contours of the land, whenever we are constructing the pipeline and crossing a ditch, we make sure the ditch remains whole during construction. If they are irrigating at that time, we will put a temporary pipe through there so that irrigation flows remain there, and then we will reconstruct the ditch following construction to the same capacity as before. Similarly, we always work with all of the underground utilities when crossing them so that we do no harm.

Environmental Impacts - Mr. Riley addressed the comments from the Rocky Mountain Environmental Labor Coalition. The list that was read by Mr. Burns included impacts to a variety of environmental resources, aquatic life, wildlife, vegetation, etc. We are working through a comprehensive mitigation plan at this point, and all of the impacts Mr. Burns listed

we feel are mitigable, as does the Bureau of Reclamation through the discussions we have had to date. There was somewhat of a comparison between alternatives stating that Highway 115 may have greater impacts than other alternatives. That being the case, each of the impacts that Mr. Burns read off and those that are included in the EIS we feel are all mitigable, through applying certain construction schedules seasonally, to avoid impacts to various species, time of day construction, revegetation requirements, and doing surveys prior to construction to ensure that we aren't affecting migratory birds that are nesting along the construction site. There are a number of examples of how these impacts can be mitigated if we are to build in Fremont County. Mr. Burns also mentioned that the EPA and the Army Corps of Engineers prefer the Wetland Alternative over the other alternatives that were analyzed in the EIS. I would like to add that we have taken that into account, and we have modified the proposed action to include those components of the Wetland Alternative that were attractive to those agencies. Primarily they were looking at impacts to wetlands below the Williams Creek Reservoir site. We have put a pipeline in the planning from the reservoir to Fountain Creek to avoid impacts to a number of wetlands and Arkansas darter habitat. The agencies were also more attracted to the upper Williams Creek terminal reservoir site as compared to the Jimmy Camp Creek reservoir site. Again it was because of impacts to cultural resources, paleontological resources, and wetlands, along with a few other issues. So we changed our planning to move over to that other terminal reservoir storage site the agencies preferred. So our proposed action has been modified to use the features of the Wetland Alternative that provide the most environmental protection.

Easement Width and Facility Lighting - Mr. Spiller addressed the easement width questions. We are looking at one-hundred (100) feet for the pipeline and one-hundred (100) feet for the power line, so the easement would be two-hundred (200) feet total where they are parallel to each other. Utilities need their own easement, so the easements would not overlap. Regarding the lighting at the pump stations, they will not normally be lighted. They would only be lighted during maintenance activities if those would happen to occur at night. We designed those facilities with downcast lighting.

Mr. Jones' Comments - Mr. Riley addressed Mr. Jones' comments. I would like to thank Mr. Jones for acknowledging the work we have done together. We discussed this during the break. Mr. Jones was referencing the Highway 115 project as being the no-action alternative and that is not the case. What we are talking about is the Highway 115 Action Alternative, which means there would be contracts involved with the Bureau of Reclamation. Therefore they would have enforcement authority over all the activities that occur during and after construction, and even operation of the project. There may have been some confusion regarding which Fremont County alternative was being applied for in the permit, so I would like to clarify that it is Alternative 7, which is an action alternative. I'd also like to address the recommendation that Mr. Jones made about a flow measuring device at or near the diversion site. We think that is a good idea. Having the flow measuring station several miles below the diversion may create some confusion in the long run as to how much water is actually being taken and we'd prefer to eliminate that, so we support his recommendation of a gauging station that is operated by the USGS.

Water Rights - Mr. McCormick said, with regard to this process and your review of land use impacts in Fremont County, we believe that this is a land use issue for your review and

consideration. Mr. Kogovsek talked about linking water rights impacts with land use impacts. We disagree with that approach, but I do want to address what I believe was an erroneous connection that he made, in that this project will have significant impacts on numerous property owners and farmers along the Arkansas between here and Pueblo Reservoir. Remember that the water rights that support this alternative are of the late 1980s vintage, so junior rights to those are those rights that were acquired in the last twenty years. This is not a super-senior right that is going to put everyone else out of priority along the river. These are fairly junior rights (*the CSU exchange rights*), so keep that in mind. In addition, we have a proven history as a water supplier and water entity in this basin and this region of working with all water users and water rights holders in a way that minimizes impacts, even to those junior to us. We would continue our commitment to minimize impacts to those even that have junior water rights to us. Again, I would fall back to commitments that I have made earlier. This project has been studied for multiple years by a federal environmental review process. The Bureau of Reclamation will require significant mitigation around the impacts of this project and we will adhere to those mitigation requirements. In addition, specific land use impacts in Fremont County for this alternative will be addressed, and we will make every reasonable effort to mitigate and minimize the impacts to the citizens of your county. On the benefit side, we believe there are economic benefits in this county to this alternative and we are open to future partnerships. The current makeup of the project is the partners: CSU, Fountain, and Security, but I will give you an example. The alternative that we are pursuing in Pueblo County includes Pueblo West. They saw a benefit to this project and were able to join at an early enough stage that they were in the environmental process, but again, we accommodated an opportunity for partnership and to make this project a benefit. We will do the same thing in Fremont County as long as permitting and environmental reviews are done and requirements are met. We are very open to partnerships and believe that those can be a good thing. We want to be a good neighbor. We are not out to make enemies. We continue to work through the 1041 process in Pueblo County. As Mr. Kogovsek said, that will be resolved one way or another. We have appreciated how we have been treated in that process in Pueblo County, and we have appreciated how we have been treated here as well. We want to work with you collaboratively and our commitments are to continue to do that.

Chairman Piltingsrud said the chair will entertain a motion for purposes of discussion.

### **MOTION**

Mr. Schnobrich moved to **table** the request SRU 08-004 Southern Delivery System for at least 60 days so that we can get further into some of the questions that have been raised tonight.

### **SECOND**

Mr. McNew seconded the motion. I got this book (*the Planning Commission review package*) about a week ago, journeyed to Wyoming to see my kids over Thanksgiving and I've had about three hours to go through this. This is a project that has been in the works in the Pueblo area for many, many years.

Chairman Piltingsrud called for discussion on the motion. Hearing no more discussion, he called for a roll call vote, and the vote was as follows:

Mr. Sandoval	Nay	<input type="checkbox"/> Aye
Mr. Lateer	Nay	<input type="checkbox"/> Aye
Mr. Schnobrich	Nay	<input type="checkbox"/> Aye
Chairman Piltingsrud	<input type="checkbox"/> Nay	<input type="checkbox"/> Aye
Mr. Jackson	Nay	<input type="checkbox"/> Aye
Mr. McNew	Nay	<input type="checkbox"/> Aye
Mr. Doxey	Nay	<input type="checkbox"/> Aye

The motion passed by a vote of 6 to 1.

Mr. Giordano questioned whether the regulations would allow for tabling of sixty days. Maybe the motion should provide for tabling in accordance with the regulations?

Chairman Piltingsrud said that if the regulations do not allow for tabling an item for a sixty day period, we will conform to what the regulations require.

**3. OTHER ITEMS FOR DISCUSSION**

Chairman Piltingsrud asked if there were any other items for discussion.

**4. ADJOURNMENT**

With no other items for discussion, Chairman Piltingsrud adjourned the meeting at 9:48 p.m.

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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

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DATE