

MEMORANDUM

To: James Eklund, Director
Colorado Water Conservation Board

From: David W. Robbins, Outside Counsel Colorado Springs Utilities

Cc: Tim Monahan,
Assistant Attorney General, Counsel to Colorado Parks and Wildlife Commission
John Fredell,
Project Director, Colorado Springs Southern Delivery System Project

Date: September 2, 2016

Re: Amendment to the Southern Delivery System Fish and Wildlife Mitigation Plan

On August 12, 2016 the Colorado Parks and Wildlife Commission approved an amendment to the Wildlife Mitigation Plan for Colorado Springs Southern Delivery System Project that had been adopted in accordance with C.R.S. 37-60-122.2. The original Wildlife Mitigation Plan, adopted in 2010, had contemplated, in Section 3.1.2, that two structures would be constructed to assist in fish management at Lake Meredith and Lake Henry, reservoirs under the Colorado Canal system in the Arkansas River Basin. It was contemplated that the structures would be completed at a sum not to exceed one hundred and fifty thousand dollars (\$150,000.00).

At the time the structures were included in the Wildlife Mitigation Plan (in 2010) it was not apparent that they could cause operational difficulties at the reservoirs. As a result of the experience gained by the Parks and Wildlife Division as well as by Colorado Springs Utilities staff and the management of the Colorado Canal system it became apparent that building the structures contemplated was not a useful or cost effective way to address wildlife mitigation issues. As a result Colorado Springs offered, and the Division of Parks and Wildlife accepted, a proposal to instead provide a cash contribution to Parks and Wildlife in the amount of one hundred and fifty thousand dollars (\$150,000.00), plus appropriate interest, to be used for alternative fish management activities in the Arkansas Basin. Colorado Springs Utilities provided Colorado Parks and Wildlife a check in the amount of one hundred sixty-two thousand three hundred and ninety-two dollars (\$162,392.00), which consists of \$150,000.00 plus \$12,392.00 in interest in full satisfaction of the obligation set forth in Section 3.1.2 of the Fish and Wildlife Mitigation Plan.

As required by the provisions of C.R.S. 37-60-122.2 this Amendment No. 1 to the Fish and Wildlife Mitigation Plan for the SDS Project was approved by the Colorado Parks and Wildlife Commission and it is necessary for the Colorado Water Conservation Board to adopt this Amendment No. 1. The Colorado Division of Parks and Wildlife and Colorado Springs

James Eklund
Colorado Water Conservation Board
September 2, 2016
Page 2

Utilities are unaware of any opposition to the completion of this amendment process. We therefore request that the Colorado Water Conservation Board consider this matter at its September 2016 meeting and adopt the Amendment No. 1 in the form approved by the Colorado Parks and Wildlife Commission. Thank you.