

MINUTES

PUEBLO AREA COUNCIL OF GOVERNMENTS

APRIL 24, 2014

A meeting of the Pueblo Area Council of Governments was held on Thursday, April 24, 2014, at the Pueblo City-County Health Department, 101 West 9th Street, Third Floor, Conference Room C. The meeting was called to order by Mr. Chris Kaufman, Chairman, at 12:16 p.m.

ROLL CALL

Those members present were:

Ed Brown
Michael Colucci
Sandy Daff
Nick Gradisar
Terry Hart
Chris Kaufman
Ted Lopez

Roger Lowe
Buffie McFadyen
Tony Montoya
Ami Nawrocki
Steve Nawrocki
Lewis Quigley

Those members absent were:

Eva Montoya
Chris Nicoll

Sal Pace

Also present were:

Joan Armstrong
Sam Azad
Scott Hobson
Dan Kogovsek

Louella Salazar
Greg Severance
Greg Styduhar

CONSENT ITEMS:

Ms. Joan Armstrong, PACOG Manager, reported there were three items listed on the agenda under the Consent Items. She summarized the three Consent Items for PACOG.

Chairman Kaufman asked if there were any other additions or amendments to the Consent Items or if any of the members or audience would like any of the items removed or discussed that are on the Consent agenda.

It was moved by Sandy Daff, seconded by Roger Lowe, and passed unanimously to approve the three Consent Items listed below:

- Minutes of March 27, 2014 Meeting;
- Treasurer's Report (Receive and file March Financial Report); and

- A Resolution Approving the FY 2014 Pueblo Area Council of Governments' Delegation Agreement for Regional Land Use Planning and Administration, and Authorizing the Chairperson of PACOG to Execute Same.

CHAIRPERSON'S REPORT:

(A) Lunch Appreciation

Chairman Kaufman thanked Pueblo School District No. 60 for providing lunch for today's meeting.

(B) Future Agenda Items

Chairman Kaufman asked if any members had any items they would like to add to future agendas. No one from the audience or any member requested to add a future agenda item at this time.

(C) Sales Tax

Chairman Kaufman stated a majority of the City Council has been working on a project to bring to the voters as an opportunity. He stated the City Council is considered the Board of Directors of the 1/2¢ sales tax fund, and it is their opinion for a few different reasons that it might be time to go to the voters in the form of a town hall meeting to find out if it is time for us to begin to invest in some sought economic development projects or maybe even add to our quality of life. The intent has always been to be open and transparent with this project. City Council was in the process of putting a sketch together to present. A majority of them believe they did everything above board. The City Attorney's concurs with them that everything was done above board. It is now in the process of being rolled out. The town hall meetings will probably begin in early or mid-May. He stated this isn't something that hasn't happened before. A lot of times when the 1/2¢ discussion comes up people get careful not to do anything. He felt if this is a grassroots oriented project, there might be opportunity for us to improve the quality of life. He stated PACOG will be hearing about the TIGER grant, and he stated it is unfortunate that we have to apply for a TIGER grant because that means we are economically distressed.

MANAGER'S REPORT

(A) EPAC Minutes/Statement/Report

Ms. Joan Armstrong, PACOG Manager, stated the draft minutes of the April 3, 2014 Environmental Policy Advisory Committee were provided in PACOG's packet. She stated this was an informational item.

This being an informational item, no formal was taken.

(B) PACOG Budget Committee Meeting

Ms. Armstrong reported the PACOG Budget Committee will be meeting on Tuesday, May 6, 2014, in the Pueblo County Planning and Development Department's Conference Room at 229 West 12th Street, to discuss PACOG's membership and dues.

She stated the Committee would be discussing the matter and bringing it back to PACOG possibly at its June meeting.

A RESOLUTION AUTHORIZING THE PUEBLO AREA COUNCIL OF GOVERNMENTS (PACOG) SUPPORT OF THE COLORADO DEPARTMENT OF TRANSPORTATION HIGH PRIORITY TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR THE U.S. 50 REGIONAL MULTIMODAL CONNECTOR PROJECT

Mr. Greg Severance, Pueblo County Transportation Director, stated a draft document of the "U.S. 50 West Regional Multimodal Connector, Connecting Communities and Stimulating Commerce" was distributed prior to the meeting. This document has not been finalized. It will be submitted this weekend, noting its due date is April 29th. It will be submitted by CDOT, who is the sponsor of this project. He thanked CDOT, who hired us a consultant from Denver (Atkins Consultants), who was successful last year in a TIGER grant for the fire suppressant system at the Eisenhower Tunnel, along with SATO who did the PEL study on the Highway 50 project. He stated everyone from CDOT staff has been in Denver the last three weeks as a team and has been putting forth efforts to make this grant what it is today. He thanked CDOT headquarters, as well as the policy office at the State Capitol with letters of support from our Congressional delegation and the Governor. He also thanked the City and County staff for its efforts. He stated this was one of three allowed grants, which CDOT is authorized to submit for a TIGER grant. He stated there is \$600 million nationwide in TIGER grant money. What this does at the Transportation Commission's level in Denver is put this U.S. 50 corridor and its importance to the region, the United States, and CDOT, noting it puts it on their radar screen in priority for other funds. He stated there are two critical issues which have brought this project to the high priority list. The first is safety. This corridor over the past 10 years from Wills Boulevard to Purcell Boulevard, which is 3+ miles, has experienced close to 1,400 accidents. What is most alarming is it has a fatality rate (9 deaths). In the last 10 years, it makes this corridor four times higher in fatalities than the State average. 975 of the accidents (70%) are rear-end, which shows we have a congestion problem, and there have been 153 injuries. Secondly, this corridor is the 15th most congested highway in the State of Colorado by CDOT's measurements. CDOT has identified 293 corridors Statewide and this corridor ranks No. 15, which makes it in the top 4% of the most highly congested vehicle-to-capacity ratio stretches of highway in the State.

Mr. Severance stated the U.S. 50 corridor is on the United States bicycle route system, noting there are only 13 of these in the nation. This project will add 12-foot shoulders that can be used for bikes. At the current time, there are 2-foot shoulders. One of the bridges, which was built in 1934, ties into the off-trail system projects which Pueblo West is doing. The City's transit fixed route service (Wills) carries 895,000 passengers off Highway 50 (Route No. 8) annually. SRDA picks up over 8,000 passenger trips in Pueblo West annually. Kaiser Permanente has given SRDA a \$95,000 grant award which allows SRDA to reach even further into Pueblo County and Pueblo West to bring the elderly, disabled, and those people most in need to the wellness programs. He stated there are two park-and-ride lots. There is a plan for a Compressed Natural Gas (CNG) fueling station.

Mr. Severance stressed the importance of the U.S. 50 corridor project. He stated during the Waldo Fire two years ago, the Royal Gorge fire one year ago, and the flooding on

U.S. 24, the U.S. 50 corridor was the most critical incident route. It is the only access to Fremont County. There are 13 State and Federal prisons in Fremont County and 1,400 of those workers live in Pueblo and commute on Highway 50 to their jobs. He noted this helps our economy. There are 8,500 beds at the Federal Super Max prison. It is used to go to CSU-Pueblo, as well as the Pueblo Chemical Depot, which is a \$4 billion Federal project. It is the farm-to-market corridor to the East. The corridor is over 3,000 miles, noting it starts in Ocean City, Maryland, and ends in West Sacramento, California. It is on the national highway system. Highway 50 was originally created in 1926, noting it is originally part of the U.S. highway system.

Mr. Severance stated the eastbound lanes were funded through the RAMP program (\$11.2 million). This project is proceeding and CDOT staff is saying by the end of 2014 that the construction project will be underway to add the eastbound lane. He stated that the eastbound portion of the project is part of the match. What staff is seeking is the third lane on the westbound from Wills to Purcell, and the other safety improvements associated—one at McCulloch and one at Purcell.

Mr. Scott Hobson, MPO Administrator, stated TIGER stands for Transportation Investment Generating Economic Recovery. With this grant, Pueblo can get a boost in its economy. The project is \$35.9 million. Of that, \$22.8 million is being provided by CDOT funding. It is a combination of the Regional Priorities Program (RPP) funding, which is a total of \$14 million over a two-year period, and \$8.8 million is being provided through the State highway system. In addition, the City of Pueblo and Pueblo County are providing \$1.3 million each in matching funds. What they were allowed to do is include the value of the devolution roads that both the City and County included with the RAMP projects. This accounted for \$1.2 million in the local funds. Additionally, the County and City have pledged \$100,000 each as matching funds to the project. In addition, the Pueblo West Metropolitan District has agreed to provide a pledge of \$100,000 if the project is awarded. Legacy Bank will be constructing a new branch facility at the intersection of U.S. 50 and Wills Boulevard, and as part of their project they need to do improvements for access to U.S. 50 and they have committed \$400,000 of their funds towards this project. This totals to about 3½ times the minimum local match required for the TIGER program. He commended all of the entities that have been working together, focusing on key projects and pulling together the limited resources.

Mr. Hobson reported how this project fit into the overall Transportation Improvement Plan (TIP) projects, which have been awarded to be constructed in the next four years. He stated TIGER, on its own, if this is funded, will bring \$35.9 million and will generate 347 jobs over a four-year period of time. It is a significant contribution to our economy. He noted all of the other projects that have been awarded in the last couple of years for transportation improvements totals to \$138.5 million (i.e., the I-25 RAMP funds, RAMP funds for U.S. 50 East improvements, Purcell/Platteville interchange, Dillon/Eden interchange, and improvements along U.S.96 corridor/East 4th Street). This estimates 1,340 jobs over the four-year period of time. If we are successful in receiving TIGER funds, this takes our total project amount to \$163.2 million and an estimated 1,579 jobs created. The average jobs with TIGER would be 395 per year over the four-year period and without TIGER would be 335 jobs per year over the four-year period of time. The highway improvement projects, which the community has been able to secure over the last two years, are going to be significantly contributing to new jobs and the local economy. These numbers do not reflect any of the spin-off jobs which might be created as a result of these projects.

Mr. Tom Wrona, Region 2 CDOT Director, reported we haven't had this type of construction program in this part of the State in many years. He stated he was pleased to help make life as easy as possible throughout the construction. He stated Mr. Severance did an excellent in describing the importance and need for the work on U.S. 50 between Pueblo West and Pueblo, and in describing the partnerships. Mr. Hobson did an excellent job in describing the economic impacts to the community. He thanked everyone for their support. He stated it is easy for CDOT to get behind a project like this where we have a strong partnership and the need for the safety issues and congestion problems. CDOT is excited about being a partner in that effort, and he hoped we are successful in obtaining the TIGER grant. He felt it was a strong application. He stated it was a very competitive process, but Colorado has been historically successful in the last 4-5 years with these grants. He felt this is a good project.

It was moved by Ami Nawrocki and seconded by Tony Montoya to approve "A Resolution Authorizing the Pueblo Area Council of Governments (PACOG) Support of the Colorado Department of Transportation High Priority Transportation Investment Generating Economic Recovery (TIGER) Grant Application to the United States Department of Transportation for the U.S. 50 Regional Multimodal Connector Project".

Ms. Daff stated the report was "beautiful" and commended everyone, but she brought to their attention duplicate material on Page 10 as far as the economy. Ms. Nawrocki commended everyone on an incredible job.

After discussion, the motion passed unanimously.

ARKANSAS FOUNTAIN COALITION URBAN RIVER EVALUATION (AF CURE), WATERSHED MONITORING PROGRAM

Ms. Nancy Keller, Regulatory Compliance Specialist, City of Pueblo Wastewater Department, presented a PowerPoint presentation. She stated the Arkansas Fountain Coalition Urban River Evaluation (AF CURE) is comprised of 11 different wastewater entities that are from El Paso County and Pueblo County, including the Cherokee Metropolitan District, City of Pueblo Wastewater Department, Colorado Spring Utilities, Fountain Sanitation District, Lower Fountain Metropolitan Sewage Disposal District, Pueblo West Metropolitan District, Security Sanitation District, Tri Lakes Wastewater Treatment Facility (Monument and Palmer Lake Sanitation Districts and Woodmoor Water and Sanitation District), Upper Monument Creek Regional Wastewater Treatment Facility (Donala Water and Sanitation District, Forest Lakes Metropolitan District, and Triview Metropolitan District), Widefield Water and Sanitation District, and Woodmen Hills Metropolitan District. They are governed by a project committee, which is comprised of one representative that is appointed by each entity, and focus on a study area of the Arkansas River from the Pueblo Reservoir to John Martin Reservoir and the Fountain Creek, Chico Creek, and Monument Creek and the tributaries to those streams. The purpose of the group is (1) to try and consolidate the efforts and resources of multiple agencies to meet mandatory ambient sampling requirements that were adopted by the Colorado Water Quality Control Commission (CWQCC) with Regulation #85 for nutrient control, (2) to collect water quality data, (3) to understand sources of water quality issues and their impacts in the watershed, (4) to place that data that has been collected into a central public site where anybody that is interested in the data will have access to it, (5) to assess the impact of proposed water quality regulations, (6) to

use the data to determine appropriate standards that are based on sound science for the aquatic life in the stream conditions, and (7) to save money through the Water Quality White Paper which was included in PACOG's packet.

Mr. Rich Muzzy, Environmental Program Manager, Pikes Peak Area Council of Governments (PPACG), reported it is the lead water quality planning agency for El Paso, Teller, and Park counties. It has the same roles and responsibilities as PACOG as being the lead water quality planning agency for Pueblo County. AF CURE is a separate group from PPACG and is not a technical subcommittee like many of the groups underneath the PPACG Board. It is a sub-group under the Pikes Peak Regional Water Authority. The partnership agreement lays out the conditions of that agreement between the Pikes Peak Regional Water Authority and AF CURE.

Mr. Muzzy stated the purpose of the AF CURE White Paper was to go ahead and provide a comprehensive understanding of the water quality issues and concerns. It provides a framework and background by which to build upon and get a better understanding of the water quality conditions within the project study area. The project study area includes the Fountain Creek Watershed, Chico Creek Watershed (east of the Fountain Creek Watershed), and the Arkansas River from Pueblo Reservoir to John Martin Reservoir, as well as the tributaries to the Arkansas River. It reflects the boundaries of the 11 AF CURE members. One of the original drivers was to go ahead and get a regional group together to collaborate on the development of a monitoring plan and comply with the nutrient monitoring requirements through Regulation #85. Instead of submitting 11 separate plans, AF CURE submitted one plan to the State. It laid out all of the monitoring that would be required.

Ms. McFadyen asked if the point was to save money and not have separate plans. Mr. Muzzy replied that was one reason, and to just go ahead and collaborate and see where there might be locations in the streams to share the sampling and data. The White Paper was developed by all 11 members and reflects the water quality issues and concerns of the entire group. It was not just developed by one entity.

Mr. Muzzy stated Colorado is divided into seven basins, noting the Arkansas River is one of the basins. This project study area is included entirely within the Arkansas River basin. The Arkansas River basin is divided into smaller sub-drainages, such as the Fountain Creek Watershed, Middle Arkansas, and Lower Arkansas. Within each of the smaller drainage basins, it is divided into stream segments. The stream segments are clustered based upon common characteristics, such as water quality, hydrology, and physical characteristics. Attached to those stream segments are the uses, and attached to those are the water quality standards for those stream segments. The CWQCC establishes the regulations every five years. The Arkansas River basin hearing was held in 2013 and the next hearing will be in 2018.

Mr. Muzzy stated there are seven issues areas: arsenic, copper, E. coli, nutrients, selenium/sulfate, temperature, and re-segmentation. The White Paper shows all the issues and implications, timeframe, and estimated cost. Some of the common themes for each one of the seven issues are more data needs to be collected, noting there is a shortage of data. These issues are not just unique to the AF CURE entities, but they reflect concerns and issues throughout the Front Range and even outside of it. The first issue area is arsenic. The Water Quality Control Division (WQCD) is going to be revising the arsenic standards. The stakeholder group has met once. At this meeting,

they encouraged people to start developing a monitoring plan and start collecting data and look at what the arsenic concentrations are at the wastewater treatment plant, effluents upstream and downstream, and see what the implications would be for changing the standards and how low those concentrations can be measured. This includes any naturally occurring arsenic sources which might be found in groundwater. Mr. Muzzy stated the second issue area is copper. This is primarily a concern for some of the AF CURE members that are discharging into Monument Creek. It has been found that there are high copper concentrations in some of the wastewater treatment facilities. At high concentrations if the stream conditions are right, it could actually cause aquatic new-life impairment. He stated there is a model, which was approved by the Environmental Protection Agency (EPA) and WQCD, called a Biotic Ligand Model, being used. This model does look at the other factors and the other water quality parameters such as calcium, magnesium, alkalinity, pH, dissolved organic carbons, etc., which would influence the copper concentrations and the aquatic new-life impairment. Ms. McFadyen asked what causes the copper--is it naturally occurring copper or is it copper from processing. Mr. Muzzy replied the copper comes from pipes in homes. Ms. Keller added it is not an issue in Pueblo because as the water gets harder, there is less toxicity caused by copper, so by the time it gets to the Pueblo area it is not at a level that is toxic. They have much softer water and that is why there is more of a potential for toxicity.

Mr. Muzzy continued that E. coli has been a concern for many of the AF CURE members. There are five stream segments that are listed as water quality impaired, noting some have been listed as seasonally impaired meaning that they are impaired during June-September, which is usually when the E. coli concentrations are the highest. Because those streams are impaired and the future of those concentrations is not brought down, the Total Maximum Daily Level (TMDL) will need to be developed to bring those concentrations down. There have been several studies conducted throughout the Fountain Creek Watershed (e.g., USGS's study conducted in the Upper Fountain Creek to look at sources, CSU-Pueblo's monitored E. coli study in the mainstem of the Fountain Creek). PPACG received a 319 grant from the Colorado Department of Public Health and Environment (CDPHE) to develop a water-base plan to address the E. coli segments and identify the sources, and also look at the particular sub-segments within the rivers that have the highest E. coli concentrations. It will look at their Best Management Practices (BMPs) which have been effective in reducing those E. coli concentrations. It is a joint effort through AF CURE and many of the permitted stormwater facilities. The project will begin around October. Mr. Hart asked if the proposed testing and monitoring are "real time" so we can get a better calculation of the E. coli. Mr. Muzzy responded the sampling will be done at different times of the year and at different flows. E. coli cannot be analyzed in real time because you have to take a sample and bring it to the lab. As part of that sampling, they record the flow rate and any abnormal conditions to get a handle on other factors or causes or sources of the E. coli contamination. This project should last about a year and a half.

Mr. Muzzy stated nutrients are an issue for every single AF CURE member. The nutrient standards were developed in 2012 and are being phased in through 2022. At the Arkansas River standards basin hearing, there were interim values that were established for total phosphorus and Chlorophyll A. It has been found that these standards are extremely stringent and a lot of the discharges will have problems in meeting those standards. The WQCD is requiring monitoring as part of Regulation #85. AF CURE will be doing a lot of additional sampling for total nitrogen, total phosphorus,

and Chlorophyll A to get a better understanding of what might be causing aquatic life impairment. Mr. Muzzy stated selenium is a primary concern for Segment 2, the Fountain Creek Watershed. This segment runs from the confluence of Fountain Creek and Monument Creek down to where Fountain Creek flows into the Arkansas River. The selenium concentrations in that area have different values. He stated selenium is a naturally occurring element which will reach out of the Pierre shale formations. They are trying to get a better handle and bracket those selenium concentrations and look at ambient values based upon naturally occurring areas high in selenium. Ms. McFadyen stated we have established what the naturally occurring should be, but what if it is still too high. Mr. Muzzy answered there is a lot of research being done on what are the effective BMPs to address selenium, noting it is a problem in Grand Valley and along the north portions of the Arkansas. In the areas where they have seen high selenium concentrations, there are no dischargers. Mr. Hart asked if the BMPs will look at issues beyond wastewater treatment. He stated he is trying to understand what has caused the increase of leaching. It sounds like some of the efforts will have to be land use efforts to try to avoid the leaching from getting in the stream before it is taken into our consumptive process and put it back out as wastewater. Mr. Muzzy replied yes, noting AF CURE is composed of point source dischargers. He stated one of the concerns is to make sure water quality problems that are caused from nonpoint sources, such as construction has done over large Pierre shale formations, to start looking at BMPs which might address those practices.

Mr. Muzzy stated the sixth issue is temperature. The Arkansas River basin was the last basin to receive temperature standards to cold and warm water streams. There isn't a lot of temperature data available in the project study areas. The different entities are currently conducting monitoring of temperature to get a better handle on the average values for temperature and the peak temperature maximum values in certain stream segments and effluent to see what issues need to be addressed in the future.

Mr. Muzzy stated the next issue is re-segmentation. Stream re-segmentation was brought up at the Arkansas River basin hearing. Streams are segmented upon hydrology, physical habitat, water quality habitat, etc. They are usually lumped together. For instance, Segment 4 (Fountain Creek) is referred to as a catch-all segment because there are over 20 tributaries that are combined into this one segment. If there is not adequate water quality data or hydrology or geology to separate out those segments, the standards for those segments get lumped together. One of the efforts AF CURE will be involved in is to look at the data available to see if we need to re-segment some of those streams where we have data to see if they would be more appropriately classified in different streams and segments with different uses. This was also a recommendation that was recognized by the CWQCC at its hearing.

Mr. Muzzy stated AF CURE meets on a monthly basis. They have finished a baseline water quality monitoring plan, which identifies all the current monitoring being done by USGS, the individual AF CURE members, CDPHE, and other State and Federal agencies, and the parameters that are being measured and the frequency they are being measured. For each one of the seven issue areas identified, AF CURE will be taking a look at future sampling that needs to be done where there are data gaps, where the sampling needs to be conducted, and looking at partnership opportunities between members to share in the cost of that sampling. Another project is the USGS, through a contract with Fountain Creek Water and Flood Control Greenway District, did some post-fire water quality sampling. It was done at six locations, and they have received results

from three of those locations. Three more sampling points will be conducted this spring. The data needs to be looked at to determine what some of the potential implications are from the fire as far as water quality and see if they need to better bracket what some of those areas of concern are. Additionally, the re-segmentation analysis and the 319 grants are being done.

DISCUSSION ON MARIJUANA REGARDING "OPEN PUBLIC AREAS"

Ms. Sandy Daff stated the group met on April 1st, consisting of members from the City, County, District Attorney's office, Sheriff's office, and police department. Any consumption of marijuana that is outside of the parameters that we set are fueled by citizen complaints, and they would be issued a civil violation. There is some great language in Denver about their marijuana open and public consumption policies. The City Attorney is currently drafting an ordinance for the City of Pueblo. Mr. Hart asked if the language could be shared with the County because it would be nice to have uniformity.

Mr. Styduhar stated the County is in a little bit different position than the City because it is not a home rule municipality. He stated it would still benefit the County to look at the language. Mmes. McFadyen and Daff discussed the attendance of County staff at future meetings.

Mr. Azad stated the City of Denver is being used as a model, noting it would be formatted for the City of Pueblo and the County would have to make its own adjustments. Mr. Hart stated he would like to make sure that the County's concerns be expressed before making the final decision.

Mr. Nawrocki asked if there was any discussion about private property. Ms. Daff replied there was discussion, noting the one thing she recalls is UPS having access to your front porch, as well as the Girls Scouts selling cookies. They do not have the authority to get into your backyard. There are no test cases that have gone through court that will help us in determining if the front porch is considered open and public. Ms. Nawrocki stated yet it is still private property. Mr. Hart stated he would have loved to have seen the Legislature give guidance. Mr. Nawrocki asked what now citizens would do. Ms. Daff replied probably in the next month they should have a draft ordinance on private property. Mr. Azad added a draft proposal will be brought to City Council.

Mr. Colucci asked about secondary smoke and being complaining about their neighbors smoking marijuana. Mr. Azad stated all of these issues will be brought before City Council.

DRAFT LETTER TO CONGRESSIONAL DELEGATION REQUESTING SUPPORT IN OPPOSING THE MARCH 25, 2014 PROPOSED AMENDMENT TO THE CLEAN WATER ACT MODIFYING THE DEFINITION OF "WATERS OF THE UNITED STATES"

Mr. Gene Michael, Environmental Policy Advisory Committee, reported the Pueblo Chieftain published an editorial a few weeks ago regarding a proposed change to the Clean Water Act that would expand the jurisdiction of the Act by expanding municipal waters as regulated by it. The item was brought to the Environmental Policy Advisory Committee (EPAC) at its April 3rd meeting and, after discussion, he was asked to draft a letter to the Congressional delegation opposing the proposed amendment. He referred

PACOG to a draft letter, which was provided in their packets, which was based on the one he prepared for the City Council. It expresses concerns with the proposed rule which expands the jurisdiction of the Clean Water Act to a very wide range of waters not traditionally regulated, noting it is not well defined as to where the new jurisdiction is going to fall. He stated there has been a great deal of concern within the agricultural community that this rule would interfere with seasonal waters on private land subjecting ranchers and farmers to these rules and regulations. The draft letter contains some of the language which was put into the City's letter. There are several water bodies within Pueblo, including Lake Minnequa and Lake Clara, which could become regulated and the effects and costs of such regulation are unknown. There are numerous detention ponds, drainage channels, and swales associated with our stormwater system, which might become subject to the regulation. There has been an analysis by the Congressional Research Service that states it is expected to cost somewhere around \$279 million annually nationwide as a result of the permit application requirements. One new element is that it would define some water as jurisdictional waters based on the concept of their having a significant nexus with traditional navigable waters. The concept of significant nexus is based on a series of concepts which are under review by the National Science Review Board, which is a panel of experts that were appointed by the Congress to oversee the activities of EPA. The Science Advisory Board is in the process of reviewing this proposal, which has not yet given its report, and yet the rule is being pushed forward. The original schedule had it published and adopted prior to the Science Advisory Board rendering its decision. There is a 90-day comment period, which began on March 27th, noting it has since been extended to July 21, 2014. He stated if there are any sustenance rules we would like to send to EPA regarding the specific provisions of the rule, it would need to be in by July 21st. This letter would go to the Congressional delegation stating that the jurisdictions who choose to send this letter recommend that the rule not be adopted at this time or at least wait until the Science Advisory Board weighs in and have a much more extensive consideration of the impacts before the rule is adopted. He stated the draft letter is a template, and asked that each PACOG entity take it back to their jurisdiction. If they should determine that they have concerns, then they might consider sending the letter to the Congressional delegation recommending opposition to the rule, noting it might be appropriate for PACOG to do this too.

Mr. Hart stated the letter should be taken by the PACOG members to their jurisdiction and questioned if he was asking for any action from PACOG. Mr. Michael replied yes, and he was not asking for action today. Mr. Hart asked about the timing. Mr. Michael replied the date is July 21st. Mr. Hart stated this is the second time he has heard this presentation in the last week and he doesn't know enough about it yet.

Mr. Styduhar stated this letter is going to the Congressional delegation and we know from the Pueblo Chieftain that Representative Tipton supports what is contained in the letter. In other words, he is opposing the rule. He asked if we know what the other members of the Congressional delegation think about it. Mr. Michael replied he didn't know. Mr. Styduhar stated Mr. Michael also indicated that Lake Clara and Lake Minnequa might be subject. He asked if there isn't a specific exemption for artificial lakes or ponds. Mr. Michael stated he didn't believe there was, noting there are exemptions related to off-lands, which are lands far enough from away from flowing water, and they don't have standing water or surface water. There are exemptions for upland areas that have been developed as artificial irrigation areas for aesthetic amenities. Mr. Styduhar asked if this is where the significant nexus language plays into

effect. Mr. Michael responded yes. Mr. Styduhar asked if that language came from the U.S. Supreme Court. Mr. Michael answered yes, noting this is what the Science Advisory Board is supposed to be evaluating.

MPO STAFF REPORT

Mr. Scott Hobson reported as part of the 2040 update for the Long Range Transportation Plan, the new MAP 21 standards state we are to identify goals and performance measures that are being appropriated into each of the sections of the Plan. The Transportation Advisory Committee will be meeting on May 1st for review of the goals and measures, and it should be brought to PACOG at its May 22nd meeting as a resolution for adoption.

Mr. Hobson reported CDOT will be preparing agreements for the RAMP funding. These agreements should be approved in June by both the City Council and Board of County Commissioners, noting it will incorporate the devolution of State Highway 227 by the City and State Highway 233 (Baxter Road) by the County. Those will be incorporated into the agreements. The actual transfer of the maintenance to those roads will likely not occur until after the RAMP projects are completed of 3-4 years.

TRANSPORTATION COMMISSIONER/CDOT REGION 2 DIRECTOR'S REPORT

Chairman Kaufman read into the record comments from Mr. Bill Thiebaut, the Region 2 Transportation Commissioner. The comments are as follow:

- On March 28, the day after the last PACOG/MPO meeting, CDOT headquarters approved a CDOT Region 2 staff request of \$850,000.00 for the SH96/Grand and SH96/Main signal upgrade/pedestrian bump out project. He mentioned this possibility at the March PACOG/MPO meeting. This is in addition to other budgeted signal replacements and utility work to be performed before surface treatment of SH96 (East and West 4th Street).
- At the Transportation Commission meeting in April, the Commission approved a transfer from the contingency reserve to the snow and ice contingency reserve. Pueblo Maintenance received \$451,458. Supplemental transfers were needed as the set-aside for snow and ice removal was depleted in March as a result of weather conditions.
- In cooperation with the FHWA and local partners, the TIGER grant for the U.S. 50 project should be completed and submitted by CDOT to the USDOT by the end of the month. Notwithstanding, he is working with CDOT and local partners on alternative sources of funding for the project. Foremost on his mind is that our projects and programs in Southern and Southeastern Colorado will improve the quality of life and safety of the traveling public.

Mr. Tom Wrona, CDOT Region 2 Director, reported there was lively discussion at the last State Transportation Commission meeting regarding the topic of the proposed distribution formulas for RPP funding, and the lines between urban and rural areas. The CDOT staff has one recommendation and the Statewide Transportation Advisory Committee has another strong recommendation. The State Transportation Commission

is supposed to act on this at its May meeting. He stated either way with the two formulas that Region 2 fairs pretty well, noting there is not a whole lot of difference.

Mr. Wrona stated there was a celebration after the last Commission meeting or a signing party for the EIS Record of Decision document on the I-25. Mr. Severance and Ms. McFadyen were in attendance, as well as others who have worked on this over the years. He stated this allows us to move forward with construction of projects on I-25 through Pueblo. The Region Director for the Federal Highway Administration was in attendance.

Chairman Kaufman thanked all those involved.

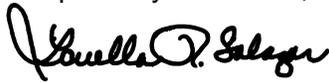
OTHER BUSINESS

Ms. McFadyen stated there are 60 people from the Colorado Leadership class from the Denver Metropolitan Chamber in Pueblo. She noted Pueblo is the only stop outside of Denver. They are here to learn about Pueblo. She stated they will be at the Pueblo Union Depot for dinner, and she invited anyone who could attend to do so.

ADJOURNMENT

There being no further business before PACOG, the meeting was adjourned at 1:33 p.m. The next meeting is scheduled on Thursday, May 22, 2014.

Respectfully submitted,



Louella R. Salazar
PACOG Recording Secretary

LRS