

Donala Water and Sanitation District, Jan. 16

# District considers NMCI NEPA Participation Agreement

By Jennifer Kaylor

At the Jan. 16 meeting, the Donala Water and Wastewater District Board of Directors discussed potential participation in the North Monument Creek Interceptor (NMCI) National Environmental Policy Act (NEPA) Participation Agreement as proposed by Colorado Springs Utilities (CSU) for the purpose of setting parameters of cooperation.

Board President Ken Judd led a discussion to reconsider an intergovernmental agreement between Donala and Triview Metropolitan District to transport Triview's leased water through Donala's infrastructure to Triview's water delivery system. General Manger Kip Petersen summarized 2019 revenue and expenses and other district activities.

Water attorney Rick Fendel was also present.

### Access to property and information, but no cost

According to the NEPA Participation Agreement draft, effective upon signing of all parties, participants would include CSU, Donala, Triview, Forest Lakes Metropolitan District, Monument Sanitation District, Palmer Lake Sanitation District, and Woodmoor Water and Sanitation District No.1. The six districts listed after CSU are collectively known as the northern entities. This NEPA permitting phase would gather information to determine the feasibility and environmental impacts of constructing the NMCI—an approximately 10-mile extension of gravity-driven wastewater pipeline intended to form a connection between CSU's existing wastewater collection system near Pine Creek and I-25 and the northern entities. The NMCI NEPA project is anticipated to last 36 months.

Petersen explained that CSU would conduct the NEPA process and bear the cost. Participants would provide property access and rights of entry; upon request help expedite survey production, wetlands identification, endangered species and associated habitat location identification, and National Historical Preservation Act clearances; and information sharing and overall cooperation. He confirmed that the agreement does not bind Donala to any future activities. Petersen recommended board approval of the participation agreement.

It was noted that under CSU's definition of wastewater service, CSU's responsibilities pertaining to return flows was limited to an accounting role. After a brief discussion, the board approved the participation agreement contingent upon the inclusion of language indicating CSU's support or facilitation of return flows in the definition of wastewater service.

### Intergovernmental agreement reconsidered

Judd clarified that the discussion regarding the intergovernmental agreement with Triview was to determine if Donala would reconsider the agreement as amended and, if so, additional details would be determined during the following executive session. Petersen recounted the history of negotiations between Donala and Triview pertaining to the transport of Triview's leased water from the Board of Water Works of Pueblo (Pueblo Water) through Donala's infrastructure. It was determined at Donala's December meeting that enough uncertainty existed for Donala to discontinue these water "wheeling" discussions with Triview, but Donala would keep a previously established emergency agreement with Triview intact.

In response, Petersen stated that he had received a memo from Triview District Manager Jim McGrady that proposed an amended agreement that would be effective for one year and drop the amount of water transported per year from 500 acre-feet to 200 acre-feet.

Petersen reported that the new approach—which was under review by CSU—would add to the amount of water that Donala could move for Triview without encroaching upon Donala's current agreement and limits with CSU. Donala would pay the same rate to move Triview's leased water from Pueblo Water as it does to move its own Willow Creek Ranch water and Donala in turn would bill Triview accordingly. Donala would also charge Triview for additional expenses such as electricity to power extra well pumping time as well as administrative time and expertise.

Petersen presented the decision to the directors whether to reconsider the amended agreement and reopen discussions with Triview. The board voted to reopen the intergovernmental agreement nego-

tiations. This item was added to the executive session that followed the open meeting.

### 2019 financial estimates on target

Final revenue and expenses fell within close range of budgeted figures for 2019. Petersen explained that the water fund's revenue was technically down by 15.8%, but the budget included a \$1.75 million loan that the district did not collect. Wastewater revenue exceeded expectations by 3.3%. Expenses in the water and wastewater funds, including capital projects, ended at 4.4% and 6.8% under budget, respectively.

### Keeping a watchful eye on anti-speculation

After Petersen reported on Pikes Peak Regional Water Authority activity, water attorney Rick Fendel commented that potentially forthcoming basin of origin protection and anti-speculation legislation may warrant concern. He spoke of potential benefits as well as obstacles. Depending on how terms such as basin and out-of-basin movement are defined, legislative changes may bring negative impacts for the district. Referring to the anti-speculation legislation, Fendel expressed concern that unintended consequences might result.

Fendel confirmed that he and legislative liaison Dick Brown would monitor ongoing activity.

### Outreach and other status reports

- Petersen, Judd, and Director Wayne Vander-schuere met with Colorado Springs City Council President Richard Skorman to provide him with Donala's perspective on its relationship with Colorado Springs, regionalization of services such as the NMCI project, and Donala's history as a special district. Petersen reported that the meeting was positive, and similar meetings are planned with other entities.
- The U.S. Drought Monitor shows that El Paso County was listed as abnormally dry as of Jan. 7.
- The district drew 60% of its water from its Willow Creek Ranch renewable water supply and 40% from its well system in December and produced 425,344 more gallons than in November.
- Snowpack near Willow Creek Ranch appears to be average for this time of year.
- Petersen confirmed payment of \$200,000 to Pueblo County as part of its 1041 permit. This payment completes a \$250,000 fee to mitigate Fountain Creek impacts and fund new projects in the Fountain Creek watershed; the first pay-

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