

alternate electrical power to the Sanctuary booster pump system using a manual transfer switch.

The Promontory Pointe booster pump system will be constructed on the southeast corner of the existing water tank site at a cost of \$469,000. JDS-Hydro plans to call for construction bids in early May.

McGinn also advised the board on the status of the design of a 12-inch Triview potable water line that would run from the intersection of Jackson Creek Parkway and Blevins Buckle Drive, under I-25, to the Valero truck stop. The initial estimated construction budget for a 2,750-foot line was \$605,000. The design budget would be \$27,530. JDS-Hydro could ask for bids in mid-May.

Fisher stated that the board was not ready to make a decision on this pipeline at this meeting.

Water was provided to the Valero truck stop by a line installed by the Town of Monument during the I-25 Baptist Road interchange expansion. For more information, see: www.ocn.me/v9n11.htm#brta.

Environmental permit report presented

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Various areas within Triview along stream shorelines are considered part of the protected Preble's meadow jumping mouse ecosystem habitat. Since 2008, Triview has been trying to renegotiate two permits for these areas that would enable the district to approve requested development within the mouse habitat boundaries. Mitigation or use of substitute mouse habitat is required, and Triview has asked the developers to either perform the mitigation or provide funds to Triview to perform it. Triview will own the changed ecosystem and be responsible for long-term maintenance of the newly created habitat and/or substitute habitat in either case.

Environmental consultant Grant Gurnée of Ecosystem Services LLC presented a 50-minute status update on the district's new 404 permit for the mouse habitat from the U.S. Fish and Wildlife Service and for the district's floodplain permit from the U.S. Army Corps of Engineers. For more information on these complex 404 permits, see: <http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/>

Gurnée proposed some options for cost sharing for impact mitigation and final ownership of the mouse habitat and floodplain. The developers involved in this 404 permit partnership proposal were Genesis Homes, Monument PRD, and Jackson Creek Land Co. These developers own land in mouse habitat along Jackson Creek Parkway and Leather Chaps Drive. Gurnée also noted that a fourth developer, Phoenix Bell, has no mitigation obligation and is offering to sell alternate mouse habitat to Triview for this project. The ratio for alternate habitat substitution for existing habitat could range from 1.5:1 to 3:1, depending on how much of the existing habitat is used for development within Triview along Jackson Creek, No Name Creek, and Teachout Creek.

Gurnée stated that Triview "has a distinct advantage here" with regard to negotiations because the 404 "permit never should have been written the way it was. I've not seen a permit where the applicant's mitigation responsibilities were assigned to other people's private land. Both of the agencies darn well know that and want to get it off their books." He added that neither agency "will push enforcement. They're not going to do that because this is, and should be, an embarrassment to them."

Gurnée's complicated proposal would lead to Triview owning and managing all 108 acres of the affected mitigation land and having complete responsibility for their future protection and maintenance with a new initial five-year 404 permit. The district will negotiate with the three developers noted above about which entity will be responsible for implementing the required mitigation and which entities will make contributions of money, land, or alternative mouse habitat. The money contributions

would be placed in an escrow account for the project.

Some of the estimated mitigation implementation costs Gurnée proposed for the 108 acres that will be mitigated, including 4 acres of wetland creation, were:

- \$748,252 for installation of seeding, planting of trees and shrubs, mulch, excavation, grading, and hauling.
- \$624,400 for five years of watering maintenance.
- \$685,340 for five years of weed control maintenance.

The uncertainties that could apply to each of the numerous components of these net estimates were all discussed, but no ranges of potential costs were provided because they remain subject to extensive future negotiations. Gurnée said he was providing worst-case scenarios for the five-year maintenance costs.

The Triview board determined that the developers and Triview should donate the mitigation land to Triview as well as the funds required to complete the project, with Triview managing the escrow account. Unexpended funds in the escrow account would be put toward trails or improvements in the replacement open space. The board deleted the previously proposed option of obtaining a 404 permit approval to build a reuse pond off of No Name Creek on the east side of I-25 as part of this project. The rest of the numerous issues would be resolved in negotiations.

Gurnée noted that his delivery of this report concluded his current contract with Triview. He said the board would have to approve additional funds for additional work in preparing strategies and analyzing the pros and cons of proposals by the various developers during negotiations. He would also be able to provide advice on future negotiations with EPA, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. Gurnée was asked to present his proposal for this future work at the April 9 board meeting.

In other matters, the board unanimously approved a resolution to adopt the current state records retention policy and schedule. Remington advised the board that if the state revises this policy after Triview's adoption, the resolution may no longer provide legal protection for destruction of records by the district after the move to Jackson Creek.

The meeting went into executive session at 8:43 p.m. to receive answers on specific legal questions from the district's attorney. The meeting came out of executive session at 8:59 p.m. and was adjourned with no further votes taken by the board.

Jim Kendrick can be reached at jimkendrick@ocn.me.

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