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<b>To:</b>	Dalton Guerra, City Planner City of Commerce City
<b>From:</b>	Tetra Tech – Dan Phipps, PE Denver Water – Jessica Barbier, Mike Davies Aurora Water – Dean Bedford South Metro Water Supply Authority – Chris Muller
<b>Date:</b>	February 26 <sup>th</sup> , 2024
<b>Subject:</b>	City of Commerce City - 1041 Permit Narrative Addendum (CUP23-0002) Referral Agency Comment Responses WISE Denver International Airport (DIA) Connection

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The City of Commerce City staff has requested references to pertinent sections of the Municipal Code to be addressed within the 1041 Permit Narrative submitted via Commerce City eTrackit on February 19, 2024 for the Water Infrastructure and Supply Efficiency (WISE) Denver International Airport (DIA) Connection project. Provided below is a summary of those requirements and the summary of the sections of the 1041 Permit Narrative that was submitted for reference.

#### **Sec. 22-30. - Standards for approval of a permit application**

(b) Approval criteria. The city council shall approve an application that meets the requirements of subsection (a)(2) above and, in addition, meets all of the following criteria:

(1) The applicant has obtained or will obtain all property rights, permits and approvals necessary for the project, including surface, mineral and water rights. The city council may, in its discretion, defer making a final decision on an application until all necessary property rights, permits and approvals for the project are obtained.

**The proposed pipeline is located in City of Aurora Property, E-470 Easements, and public Right-of-Way (ROW). This project is a joint venture between Denver Water and Aurora Water which has permitted access to their property through a license agreement. The rest of the project is included in Public ROW. Property rights are provided in Appendix C of the 1041 Permit Narrative.**

(2) The applicant has the necessary expertise and financial capability to develop and operate the project consistent with all requirements and conditions.

**Denver Water has been a water service provider in the state of Colorado for over 100 years and have executed thousands of projects in the greater Denver Area. Tetra Tech has been working as an engineering firm since 1966 and has been ranked number 1 in water by the Engineering News Record for the last 20 years. Further information on fiscal stability is provided in Section 4.4 of the 1041 Permit Narrative.**

(3) Adequate water supplies are available for the project if applicable.

**Denver Water has the capacity to convey water to the Prairie Waters Pump Station at the maximum established rate of 5.9 MGD. Denver Water owns the water rights for delivery of this water to its WISE partners.**

(4) The project will not cause unreasonable loss of significant agricultural lands as identified in the Comprehensive Plan or on or near the site.

**Due to the project's location within existing easements and public ROW, there will not be a significant loss of agricultural lands.**

(5) The project will not significantly degrade or pose a significant hazard to any aspect of the environment, including environmental resources and open space areas as identified in the Comprehensive Plan, and other features or elements that are deemed to be significant components of the natural environment worthy of preservation. For purposes of this section, the following aspects of the environment shall be considered:

a. The project will not significantly deteriorate air quality.

**The project will not provide a new, permanent source of air pollution. It is a water conveyance project without motors, generators, or other polluting elements. Dust control methods for project construction are provided in Section 5.8 of the 1041 Permit Narrative.**

b. The project will not significantly degrade visual quality.

**The majority of this project will be installed underground as it is a pipeline project. There will be a new building on the Aurora Prairie Waters Pump Station No. 2 site that will match the existing architectural design of the site. New landscaping will be provided to screen the building from E-470. Additional discussion of visual Impacts provided in Section 5.1, 5.5, 5.6, 5.7, and appendix A of the 1041 Permit Narrative.**

c. The project will not significantly degrade surface water quality. In determining impacts to surface water quality, the city council shall consider the following:

1. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;

**This project improves water quality by decreasing water age near the Denver International Airport and reducing the need for flushing at stagnant locations.**

2. Increases in point and nonpoint source pollution loads;

**This project does not include any new point source pollution. There is limited impervious area added to the site. Non-point source pollution will be detained at the existing detention pond on site.**

3. Increase in erosion;

**This project will not result in increased erosion. A Stormwater Management Plan (SWMP) has been submitted for review to Commerce City that documents Best Management Practices for preventing erosion during construction. BMPs will include silt fence, vehicle tracking control, inlet protection, concrete washout areas, mulching, and seeding.**

4. Increases in sediment loading to water bodies;

**This project will not result in increased erosion. A Stormwater Management Plan (SWMP) has been submitted for review to Commerce City that documents Best Management Practices for preventing erosion during construction. BMPs will include silt fence, vehicle tracking control, inlet protection, concrete washout areas, mulching, and seeding.**

5. Changes in stream channel or shoreline stability;

**There are no streams impacted by this project.**

6. Changes in stormwater runoff flows;

**Stormwater runoff flows will be detained in the existing detention pond as detailed in the SWMP.**

7. Changes in trophic status or in eutrophication rates in lakes and reservoirs;

**This Project's construction or permanency will not alter the trophic state of surface waters or functioning capacity of surface water retention due to it not residing in the vicinity of any surface waters.**

8. Changes in the capacity or functioning of streams, lakes or reservoirs;

**There will be no impact to streams, lakes, or reservoirs. Stormwater runoff flows will be detained in the existing detention pond as detailed in the SWMP.**

9. Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.

**There will be no impact to dilution rates as this project does not involve mines, agricultural or other unregulated pollutants.**

d. The project will not significantly degrade groundwater quality

**This project is a conveyance project that will not affect groundwater quality.**

e. The project will not significantly degrade the quality of wetlands and riparian areas.

**There are no wetlands and riparian areas affected by this project.**

f. The project will not significantly degrade the quality of terrestrial and aquatic animal life. In determining impacts to terrestrial and aquatic animal life, the city council shall consider the following:

1. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes or any other habitat features necessary for the protection and propagation of any terrestrial animals;

**The project will not impact critical habitat. Prior to the project, surveys were performed for protected species and passive relocation methods will be used if any Burrowing Owls are discovered during construction. Further discussion is provided in Section 1.3 of the 1041 Permit Narrative and the survey results are provided in Appendix B of the 1041 Permit Narrative.**

2. Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species; and

**This project does not impact in water ways or aquatic life or cross any water ways. Further discussion is provided in Section 1.3 of the 1041 Permit Narrative.**

3. Changes to the aquatic and terrestrial food webs.

**This project does not impact food webs of aquatic or terrestrial species as it does not create any permanent impact to animals in the area. Further discussion is provided in Section 1.3 of the 1041 Permit Narrative.**

g. The project will not significantly degrade soils and geologic conditions. In determining impacts on soils and geologic conditions, the city council shall consider the following:

1. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential and flood hazard areas;

**This project does not change the topography of the area. Grades will be restored to existing conditions.**

2. Changes to stream sedimentation, geomorphology and channel stability;

**This project will restore all areas to vegetated cover to prevent sediment from entering streams. It does not cross any streams or change channel stability.**

3. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

**There are no water bodies that are near to or affected by this project.**

(6) The project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.

**This project is located on Aurora property or within easements or public ROW. There are no recreational areas that are impacted by this project. Further discussion is provided in Section 4.9 of the 1041 Permit Narrative.**

(7) The project will not cause unreasonable loss or impairment of significant cultural resources, including but not necessarily limited to historic resources or sites and archaeological artifacts or sites.

**This project will have no impact to historical or archeological sites. No sites were discovered during field visits.**

(8) The project or its associated transmission, collector or distribution system will not create blight or cause other nuisance factors such as excessive noise or obnoxious odors.

**The project will be installed underground and will not create nuisance factors once completed. Further discussion of control of nuisance factors is provided in Section 5.8 of the 1041 Permit Narrative.**

(9) The project will not be subject to significant risk from floods, fires, earthquakes or other disasters or natural hazards.

**This project is not located in a flood zone nor does it promote fire hazards. This pipeline is an interruptible source of water which may be shut down during a natural disaster if needed.**

(10) The project or its associated transmission, collector or distribution system will not create an undue financial burden on existing or future residents of the city.

**This project will not cause any payment increase to City residents. It includes and extension for future South Adams County Water and Sanitation District (SACWSD) connections. This is a shared cost between Denver Water and SACWSD which results in a net savings for SACWSD and City residents. Further discussion is provided in Section 4.3 and 4.4 of the 1041 Permit Narrative.**

(11) The project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

**This project does not negatively affect local governments services and provides additional capacity of water supply through the use of shared resources.**

(12) The planning, design and operation of the project will reflect appropriate principles of resource conservation, energy efficiency and recycling or reuse.

**The WISE partnership is founded on the goals of increased efficiency for water resources. This project promotes sharing of resources and does not require increases to energy use once installed. Further discussion of impacts described in Section 5 of the 1041 Permit Narrative.**

(13) Construction of the project will be in compliance with all city standards and regulations governing noise, dust and traffic delays.

**The project has been designed in coordination with City staff. A ROW permit will be secured by the Contractor prior to executing work and the Contractor will follow city standards and regulations for construction. Further discussion of traffic impacts are provided in Section 4.7 of the 1041 Permit Narrative. Discussion of transportation impacts and safety and wellness are provided in Section 4.8 and 5.8 respectively.**

(14) As to those applications for which the manager has required information on the environmental impacts and costs of alternatives under subsection [22-24\(c\)\(9\)](#) above, the project represents the least damaging alternative of reasonable cost among the alternatives analyzed.

**Alternative alignments through Commerce City were not possible due to the PUD zoning designation of the property on the southeast corner of 96th Avenue and E-470 which prohibits installation of public utilities. Following the right-of-way of 96th avenue and crossing E-470 would have the least impact to property owners in Commerce City.**

(15) The project is in accordance with the Comprehensive Plan, zoning and any other applicable land use designations and requirements and any applicable intergovernmental agreement affecting land use and development.

**The project is in compliance with land use requirements for the proposed area of installation. Detailed discussion of compliance with the City's comprehensive plan is provided in Section 4.0 of the 1041 Permit Narrative.**

(16) The project represents the complete, reasonably foreseeable development for the subject property as required above, except that the city council may approve development constituting less than the complete project, provided that the applicant clearly demonstrates that a lesser development constitutes a discrete phase of the complete project as supported by the applicable master planning document required herein, which can be logically and adequately reviewed as a separate project under the applicable criteria of these regulations.

**This project is not being constructed for a proposed development. This project is a water infrastructure project which will deliver water to customers in Commerce City and the Denver Metro Area.**

#### **Sec. 22-66. - Additional permit-approval criteria applicable to major domestic water treatment systems and major extensions of such systems**

(a) The project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the project, or to comply with regulatory or technological requirements. The determination of whether the project is reasonably necessary may include, but is not limited to, the following considerations:

- (1) Relationship to reasonable growth projections and local land use plans.

**The project is necessary to share water resources in the Denver Metropolitan area amongst the WISE partners. It also provides an extension of the SACWSD service area to the east side of E-470. Refer to Section 4.5 Housing and Neighborhoods and Section 5.2 Community Need for the Proposed Project in the 1041 Permit Narrative for further discussion.**

- (2) Relationship to other water providers' service areas.

**The project does not encroach on any water provider service areas. It extends the SACWSD service area as mentioned above. Refer to Section 1.2 Project Background and Summary of the 1041 Permit Narrative for further details.**

- (3) Whether the project is not in compliance with regulatory or technological requirements or will not be in compliance in the near future.

**The project is in compliance with regulatory requirements for water infrastructure projects of this nature. Refer to Section 1.1 Land Use Planning Requirements and Section 6.8 Regulatory Agencies of the 1041 Permit Narrative for further details.**

(b) To the extent feasible, water treatment facilities shall be consolidated with existing facilities within the area. The determination of whether consolidation is feasible shall include, but is not limited to, the following considerations:

- (1) Whether there is an opportunity for consolidation.
- (2) The environmental, financial and social feasibility of consolidation.

**The project includes consolidation of a trenchless crossing for both Denver Water and SACWSD. Further discussion is provided in Section 1.0 Introduction and Section 2.1 Pipeline Alignment of the 1041 Permit Narrative.**

(c) New domestic water treatment systems shall be constructed in areas that will result in the proper use of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities. The determination shall include, but is not limited to, the following considerations:

- (1) Relationship to reasonable growth projections and local land use plans.

**This project provides infrastructure that reduces the need for construction of new plants in the Denver Metro Area by sharing water resources across different municipalities. Refer to Section 4.5 Housing and Neighborhoods and Section 5.2 Community Need for the Proposed Project of the 1041 Permit Narrative for further details.**

- (2) Proximity to other water and wastewater providers' service areas

**The project does not encroach on any water provider service areas. It extends the SACWSD service area as mentioned above. Refer to Section 1.0 Introduction and Section 2.1 Pipeline Alignment of the 1041 Permit Narrative for further details.**

(d) The project shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development. The determination shall include but is not limited to the following considerations:

- (1) Relationship of the project to approved land use plans for the area.

**This project does not include any development or residences. Refer to Section 2.1 Pipeline Alignment and Section 4.2 Land Use Growth of the 1041 Permit Narrative for further details.**

- (2) The environmental, financial and social impacts related to such development.

**This project does not include any development or residences. Refer to Section 1.3 Environmental Assessments, Section 4.0 Compliance with Commerce City Comprehensive Plan, and Section 5.0 Community Considerations of the 1041 Permit Narrative.**

<b>To:</b>	Libby Tart, Environmental Planner III of Commerce City Dalton Guerra, City Planner of Commerce City
<b>From:</b>	Tetra Tech – Dan Phipps, PE Denver Water – Jessica Barbier, Mike Davies Aurora Water – Dean Bedford South Metro Water Supply Authority – Chris Muller
<b>Date:</b>	February 28, 2024
<b>Subject:</b>	1041 Permit (CUP23-0002) Agency Comment Responses – Third Review WISE Denver International Airport (DIA) Connection

Comments were received from the Energy, Equity, and Environment (E3) Division of the City of Commerce City on February 22, 2024, in response to the 1041 Permit Narrative (CUP23-0002) submitted on February 19, 2024 for the Water Infrastructure and Supply Efficiency (WISE) Denver International Airport (DIA) Connection project. Responses to these comments are provided herein.

### Wildlife Study

Comment	Response
<p>The applicant’s notes in the Animal Habitat section 1.3.1 that the burrowing owl survey was conducted outside of the nesting season of October 31st to March 15th in 2022 and there would be additional surveys conducted during the 2023 and 2024 owl seasons. Does the applicant have these follow-up reports to ensure burrowing owls are not present? Please provide these in the next submission.</p> <p>If owls are present, the applicant states the project team will review construction impacts and mitigation measures for the work. If this is the case, revisions to existing documents may be required and should be provided in the next submission.</p>	<p>Project construction was delayed until 2024. The nesting season for the 2024 season has not yet started. Pinyon Environmental, working alongside Tetra Tech and the contractor, will initiate the burrowing owl survey on March 15<sup>th</sup>, 2024. If owls are determined to be present, the project team will notify the appropriate authorities and will review construction impacts and mitigation measures for the proposed work. Commerce City will be updated regarding survey results upon its completion. Any required updates to existing permit documents will be provided following the completion of the survey.</p>

### SACWSD Involvement

Comment	Response
<p>E3 is encouraged to read that SACWSD joined the project in late 2023 for future development purposes and will be a partner in the trenchless E-470 crossing.</p>	<p>Acknowledged.</p>

Please reach out with any follow-up comments or questions. You can reach me at dan.phipps@tetrattech.com or (720)-931-9354.

Thank you,

Dan Phipps, PE  
Project Manager - Tetra Tech, Inc.