



FOUNTAIN CREEK WATERSHED

Flood Control And Greenway District

Fountain Creek Watershed, Flood Control and Greenway District
Technical Advisory Committee
Meeting Minutes
Wednesday, June 2, 2021 – 1:00 PM

1. Call to Order, Introductions, and Establishment of a Quorum: The meeting was held via a Zoom video conference call. A quorum was established, and the meeting was called to order at 1:02 p.m.

Committee Members in Attendance

Andra Ahrens	City of Pueblo, Water Quality
Ryan Banta	USGS
Kevin Binkley	Colorado Springs Utilities/City of Colorado Springs
Josh Carpenter	USACE, Albuquerque District
Terry Hart	District Citizen's Advisory Group
Jeff Hawkins	City of Pueblo, Stormwater
Dominga Jimenez-Garcia	Pueblo County, Public Works
Joe Marencik	El Paso County, Stormwater
Jonathan Moore	Fountain Sanitation District
Jacob Olsen	State of Colorado, Division of Water Resources
Jeff Rice	El Paso County, Engineering
Andrew Rippe	Pueblo County, Public Works
Brandy Williams	City of Fountain

Others in Attendance:

William Banks	FCWFCGD Executive Director
Tanis Manseau	Pueblo County, Public Works
Ian Patton	Wright Water Engineers
Andrew Rippe	Pueblo County, Public Works
Allison Schuch	FCWFCGD Watershed Outreach Coordinator

2. Approve Agenda: A motion was made by Terry Hart to approve the agenda as presented, which was seconded by Andrea Ahrens and approved by unanimous vote.
3. Approve Minutes of the May 5, 2021 Meeting: Approval of the minutes were postponed until the July meeting.
4. TAC Member Comments:
 - a. None.
5. Public Comments:
 - a. None

6. Presentations:

a. Update on Waters of the US and Nation-Wide Permits – Josh Carpenter, USACOE

Mr. Carpenter provided an update on the recent activities around the Waters of the US and the 2021 Nationwide Permits (NWP). As of the June meeting, 16 updated NWPs had been issued with an additional 40 waiting for formal approval hopefully later this year. One point of note was that general practice should be to confirm/make determination that a permit is not required when believed to be outside of corps jurisdiction. The 16 reissued NWPs (12 existing and 4 new NWPs) are being run generally under regional conditions with regional permits now generally attached to specific activities. The updated NWPs include new thresholds for impacts (0.03 acre). If greater than 0.03 acre of permanent impacts to stream, triggers the need to look if compensation is necessary or not. If needed, a stream assessment using the SQT must be performed.

Navigable Water Protection Rule – now operating under the new rule. There have been a number of problems with ditches in Colorado and whether they are jurisdictional or if certain activities are exempt. Ditch in pipe constitutes difference of use and will require a permit. For determination if ephemeral, if stream flow is within a normal year then these are generally waters of the US unless not operating in a normal year such as an abnormally wet year (recommended using a 70-30 rule). The Albuquerque District recently added a new Project Manager (Craig) who comes to the District from the Wisconsin office and has been with the Corps for about a year. Albuquerque District now has west slope as well, including the Grand Junction office and Durango office, in addition to Rio Grande and Arkansas regions. Lot of work in streams being seen in the Colorado Springs and Salida areas. Josh noted the new 401 certification requirements as well that can be found on the Corps website; which includes 30-day mandatory pre-filing meeting with CDPHE (prior to submitting water quality cert to the state). The Corps can issue a provisional 404 prior to the 401; however, project cannot commence without the final permit.

7. Reports:

- a. District Board/Water Activity Enterprise Board/Project Updates: Bill Banks reported that the Board met on May 28th and received presentation from Steve Welcher. The District staff and/or contractors crafted a presentation for the media regarding the District, met mid-month on the Greenway Fund as potential charitable contribution to the District, presented a lessons learned document from 13th Street project, and presented budget with 25% increase proposed. The Enterprise Board portion of the meeting featured a presentation on the MMFAC selection criteria and video of the 13th Street during high flow event along with report out on work at the Pueblo levee project area. The Enterprise Board deliberated on the proposed MMFAC selection criteria revisions and approved the revised criteria with requests to seek any comments from their staff.
- b. Citizens Advisory Group: Terry Heart reported that the CAG met on May 14, 2021. The group viewed a polling video provide by Steve and had a conversation with Annie Berlemann regarding water quality challenges along Fountain Creek. The group then listened to project reports from Bill Banks and ended with an interesting conversation around potential rule changes to Reg 31 and the related June 14 public hearing. The next meeting in June will feature a Geomorphology presentation by Laura Hempel.

- c. Monetary Mitigation Fund Advisory Committee: Terry Hart reported that the committee met on May 19, 2021 where the committee viewed a video of 13th Street project during a recent high flow event and listened to a presentation provided by Ken Wright on conservation easements and the potentials behind them. The committee further discussed the revised criteria for choosing projects for the 2021 CIP and decided new criteria needed to be approved by the Board for official use. The District Enterprise Board did adopt the revised criteria at the next Board meeting on May 28th. The committee additionally discussed potentials for land purchases with MMF funds. The next meeting is scheduled for July 21, 2021.
 - d. AFCURE: Andra Ahrens reported that the group met on June 1, 2021 and went over the upcoming Reg 31 rule changes and discussed various working groups with the members.
8. New Business:
- a. In-person meeting discussion – Discussed meeting in person quarterly with continued zoom option and zoom meetings the other months. Recommended starting in August with quarterly in-person meetings at the City of Fountain City Hall.
9. Old Business:
- a. District Project Tour – Tentative dates: Friday September 10th and Friday October 8th.
10. Future Business
- a. TBD
11. Set Date, Time, and Location of Next Meeting: The next District TAC meeting will be held via Zoom video call on Wednesday, July 7, 2021 at 1:00 pm.
12. Adjourn: The meeting adjourned at 2:17 pm.