

P.1 for W 18 Mar 09 hearing from John Mauldin, 858 Sequoya, Pueblo West
Comments to Pueblo County Commissioners on 1041 permit for SDS, on Terms & Conditions of
10 Mar 2009. These Terms were obtained 16 Mar, by kind favor, and i had less than 2 days
to study. Some changes, additions, & conflicts occur, in comparison with set of 21 Jan.

I speak as taxpayer, area citizen, unofficial representative of Pueblo West (PW) interests,
& with general concerns about decreasing western water being taken for unsustainable growth.

Construction section, selected items as numbered:(all comments would concern land-owners)
C-3: cant have any residence or business cutoff from road access; for 0 hours not 4; crises
happen, & people need to continue their own schedules; unclear that good det. our always available
Chain-link fence requirement around work sites has been withdrawn in favor of low weak plastic
fence; from secure to a warning only; not sufficient for deep holes. Doubt; that "worksites" is
one protected place finished in one pass of unspecified time & not returned to several times.
C-4 & later: the "conditions of ingress" are not told; are owners told what exactly will be
accessing (types of vehicles & workers) their land? continued reference to locked gates seems
useless with weak orange fencing.

In general, how are all these requirements & rights told to residents & owners (not the same,
since some are renters)? County should specify which of these are written & how they are de-
livered, including to absent owners of vacant lots. Besides communication with Applicant
below, tell where residents go with questions & problems for County in next year.

C-5: pre-existing conditions of land should include list of all personal items on site; all
this assessment should be completed before any purchase of access; note severe weather (rain,
snow) or unusual ground can result in ground failure closer to structures than anticipated

C-6: 7 am is too early to disturb people; set 8 am; tell residents how many weeks they must
endure noise etc. Nite lighting (C-2) should be rare & all work done in daylight.

C-8: without knowing what "dewatering" is, we cant tell its significance for comment

c-9: Restoration is prevented by heavy machinery and then grading never the same again; people cant dig it for planting, plants cant
infiltrate; note this pertains to maybe 150 ft wide on lot, not on experts, but in general reseeded & replanting of existing species is impos-
ible; prairie cant be farmed or gardened; by who/how is 90% recovery n-
Where is the access road & what is it made of?



Leveling & matching road surfaces is not easy & would need reworking after every heavy rain,
which may not occur until years later

No mention here that Applicant has told property owners they must provide locked gates in
fences & provide keys; what is county policy here? When & how are owners told of permanent
restrictions on land? Applicant has already been telling some, what are they?

Bond of \$2000/acre should be held 20 yrs not 2, & this section in conflict with 122 which
says keep bond until 90% cover or forfeit. Many years may pass before natural conditions
favor germination or plant spreading. Meanwhile tumbleweeds take over & prevent restoration.
Why is Applicant not required to keep trying until succeeds at restoration?

C-10 on Communications: DOes not tell or require a local field control office AND a 24 hour
phone for informing & for taking reports of damage, nuisance, violations, or worse. Residents
whose land is to be entered should be told location of office, 24 hr phone, all terms in
sections C & SE, & time frame of access & work, by mail & by door visit.

C-11: "Silt fence" does not work; covering huge piles of dirt seems impossible; what prepar-
ation is made for high winds?

Pollution & particles are unstoppable from big diesel machines, & very irritating; we dont
know what "opacity stds" are, but we know no big machines seem to be regulated & good diesel
pollution control has not been developed at a cost anyone uses

C-14: Purcell seems to be the ^{one} unnamed haul route, according to maps elsewhere, for PW. 1000s
of residents dont want to fight more big trucks on this already over-used road, for years.
Also slow backhoes etc obstructing. Why funnel all that thru signals at US 50 & on thru
overused US 50 in Pueblo? Will all SDS trucks be labeled so complaints can be made? What is
estimated number of trucks per ^{hour} day? Why not use Exit 108? Prohibit trucks during school travel?

C-16: What means of weed eradication is used? wide spraying of herbicides is worse than
leaving ground alone; must imported fill contain no weed seeds? (a perennial problem)

C-17 does not mention explosives, but blasting is now added; locking these on site is not suffic-
ient.

C-18 on Green practices: Applicant has stated elsewhere it will re-use top soil, but not
saving it deep enuf; is this claim dropped, or where is detail on soil recovery?

c-20 If the fill is overpacked, like everyone does, groundwater movement, infiltration, and
restoration are prevented

C-22: new section on noise: No noise level limits are stated, & unclear requirements. What
of cutting off those 150 db beepers, heard mile away?

No statement about not allowing cutoff of any utilities, for any time, is given; what are the requirements here?

New SE-1: Conditions on securing land are vague; compensation is not sufficient, or standardized so that everyone is treated fairly & equally; all lots are basically equal in size and value. Where is oversight, complaint process, review, appeal, and sanctions? Most owners will have other real & indirect costs which seem precluded from compensation. Principles of "no net cost" and generosity seem absent here.

Here & elsewhere, unclarity on definition of "work package", and no list of such packages so we get the idea. So item 4 of SE-1 is unclear on whether ALL rights to ALL property must be obtained before ANY construction on any part of SDS starts. County should not permit pressure/domino effect where "here comes SDS now so you better hurry up and sell".

Applicant has stated that PW residents want first stage of work done in PW, but we have no substantiation, and that is not a community determination.

County & PW roads:

No mile-count of PW roads affected are listed in terms & tables but i have seen this detail elsewhere. Also elsewhere we hear of 6M\$ bond for road "restoration" (now called "rehabilitation"). Public should hear these two numbers, at least. A bond is unworkable. The amount is far short of paving affected roads and is not guaranteed cash. Will County or Applicant haggle over every claim for repair & object to every true improvement, including drainage? Who decides if a road is to be rebuilt or what? How is extent of damage determined, since trouble takes years to show. Why didnt County ask for all roads used to be (re)paved, regardless of original surface, plus extension to end of each road? In this way PW would gain something in exchange for extreme inconvenience. PW residents would have wanted this. Spending money to put roads back to "original" is not what PW needs.

If this usage as haul route ruins Purcell, are we stuck with poor road for 3+ years until rebuilt? Purcell will need redoing all the way, but this means improving, not making it the same. Creek crossings, roadbed elevation, and tilts at curves need correction. CR-7 is not clear on all these questions, & overlooks some.

Other & general comments:

Short of revoking permit for non-compliance, little is said about penalties.

No conditions are made on access to pipe route in later years, when & by what/who.

Will County be told all facts on land acquisition as it happens?

No limits on depth of pipe or width of excavation or width of land affected are given.

In case it matters, Banks report of 3 Dec had major errors on PW water needs, & undercount of number of resident land-owners.

Myself & others have toured all affected lots in PW, & gained a feel for what impacts there will be on people & what their worries might be. Some owners were visited, & their variety of stories causes comments here on fully informing them, being sure they know where to go to bring problems to County's attention, & oversight of Applicant's treatment of them.

After much inquiry it appears that County wants SDS mainly to get action on Fountain Creek, with which everyone sympathizes. But Federal & state agencies should be protecting waterways, and one county should not have to let a serious burden fall on some residents, & maybe a new tax burden fall on all residents, to MAYBE fix problems on the Creek, which are not caused by us. 50M\$ expected for mitigation falls far short of estimates floated in these hearings & elsewhere. Permitting SDS seems to have several big risks.

Pueblo West Board has begun studying SDS since Dec & questioning aspects. At present they find PW caught in a deal which few residents or present Board would have wanted, had they been informed & asked. PW is likely to benefit less than alleged from SDS, and present and future costs, downsides, & obligations may over-ride all that. PW wanted to make conditions on SDS too, and County has not asked enuf on behalf of its residents in PW.

In view of ^{the} short time the Terms for permit have been available, & their complexity, the County should let the public have two chances to comment on this whole package & whatever revelations occur next.