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**PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

January 23, 2013

Colorado Springs Utilities
Mr. John Fredell, SDS Program Director
121 South Tejon Street, Third Floor
P.O. Box 1103, Mail Code 930
Colorado Springs, CO 80947-0930

Re: 1041 Permit No. 2008-002
Condition No. 13 County Road Improvements and Restoration
Haul Route Plan Roads; Southern Delivery System S-2 Segment north of State Highway
50 in Pueblo County

Dear Mr. Fredell:

We have received a Haul Route Maintenance Plan Update Report and written notice dated November 28, 2012 from Joseph Rasmussen, E.I., CSU SDS Project Manager, that reclamation and construction activities for the SDS S-2 segment have ceased and all maintenance activities are completed. The notice requests inspection of the Haul Route Plan (HRP) roads for the SDS S-2 segment north of State Highway 50 in Pueblo County. Per this request Pueblo County Department of Engineering and Public Works has inspected the above identified HRP roads for compliance with 1041 Permit No. 2008-002 conditions and the letter of May 29, 2012 from you titled "Southern Delivery System, Pueblo County 1041 Permit No. 2008-002/Road Rehabilitation Payments". It is our finding that, with respect to the SDS S-2 segment north of State Highway 50 in Pueblo County, reclamation and construction activities have terminated, the applicant has maintained the HRP roads in a satisfactory manner and all maintenance activities required to be performed for use of said roads has been completed.

In addition, in response to your December 18, 2012 letter from you titled "Road Rehabilitation Transfer" specifically for items 1 through 4, listed below, Pueblo County concurs:

1. "There will be some infrequent traffic along Purcell Boulevard associated with the inspection and maintenance of required revegetation activities. This traffic should have no impact on the roads over and above that occurring as a consequence of normal commercial traffic along the roadway, and therefore CSU will have no further road maintenance obligations on these roadways. Should CSU, for some unanticipated reason such as a total loss of newly planted vegetation cover, need to utilize the roads once again for project related activities

involving the more frequent use of heavier pieces of equipment, notification will be provided to the County prior to use of the roadways and such use will be coordinated with the County.

2. CSU and its contractors remain responsible for all obligations arising under the two year road crossing warranties associated with previously obtained County right-of-way excavation permits for the life thereof notwithstanding acceptance of the roads for rehabilitation by the County.
3. In conjunction with SDS construction activities, the terms and conditions pursuant to Condition 13 of 1041 Permit No. 2008-002 and Mitigation Appendix CR-1 through CR-11 made a part of the Permit relating to maintenance and rehabilitation of haul roads applies only to County Roads.
4. It is the current intent of Pueblo County to utilize the \$15M of road rehabilitation monies to be paid under the May 29, 2012 letter agreement for road rehabilitation activities within Pueblo West on those County roadways included in the approved County haul route plan."

Please do not hesitate to contact this office if you require further information or have any questions in this matter.

Sincerely,



Joan Armstrong, Director

- c: Board of County Commissioners
Gary Raso, Special Assistant County Attorney
Peter Blood, Interim County Attorney
Raymond L. Petros, Jr. Esquire, Petros and White, LLC
Robert C. Schmidt II, PE, County Engineer/Director of Public Works
David Benbow, General Services Engineer, Dept. of Engineering and Public Works
Mark Pifher, CSU SDS Permitting and Compliance Manager
Kevin Binkley, CSU SDS Permitting and Compliance Specialist
1041 Permit No. 2008-002 File