



Colorado Springs Utilities

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June 27, 2013

Gary R. Walker  
Walker Ranches  
7170 Turkey Creek Ranch Rd  
Pueblo, CO 81007



**Re: Easement Reclamation**

Dear Mr. Walker:

I wish to thank you and your consultants for meeting with Colorado Springs Utilities (CSU) and Pueblo County representatives on June 20. The meeting afforded the parties an opportunity to discuss all of the reclamation work that has been performed to date, and to further explore the issues identified on the attached Issues List (List), including the nature of the additional work SDS is prepared to undertake in response to the concerns you have expressed. We hope to commence that work, as further described in the "Responses" section of the List document, as soon as possible.

SDS acknowledges that the List represents only those concerns identified to date by the parties based upon the information currently available, and it is possible that additional issues, of which the parties are not now aware, could arise in the future. However, as stated at the meeting, a never ending "do loop" must be avoided and closure must be achieved.

As noted at the meeting, CSU desires to continue to collaborate with you in undertaking the reclamation activities, and will therefore periodically update you and your consultants on the timing, nature and results of the work performed at the site. You should certainly feel free to contact me (719-668-8693) or Kevin Binkley (719-668-3748) at any time should you or your consultants have any information or suggestions related to the work that you would like to share.

In regards to the additional temporary access agreements or licenses that will be needed to complete a couple of the discussed items, per your instruction, we have contacted Mr. Ostrander and Mr. Turner with those requests.

Should you have any questions or comments relative to the above, please do not hesitate to contact me at any time.

Sincerely,

Mark Pifher  
SDS Permitting Manager

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cc: Joan Armstrong

Don Ostrander

Chris Turner

John Fredell

Laurie Clark

Rick Griffith

### Issues List

1. Issue: A six-inch (approximate) mound remains in various areas on each side of the easement.

Response: Southern Delivery System (SDS) will correct this by leveling the mounds where they exist. The SDS revegetation contractor, Western States Reclamation, Inc. (WSRI) will accomplish this task.

2. Issue: Ensure that the topsoil in the reclaimed area was not imported.

Response: SDS has confirmed through the project managers that no topsoil was imported to the site; however, some soil from the north end of the Walker Ranches property was transported to the south end of the Walker Ranches property. A copy of the pertinent soil analysis data from the south end of the ranch property can be provided upon request.

3. Issue: There appears to be non-native rocks in the easement.

Response: In discussions with the contractors and project managers, SDS has confirmed that the rocks in the easement originated from within the construction site. However, some of the rocks undoubtedly came from a depth below the topsoil. Some rocks have already been hand-picked and removed from the site; however, SDS is willing to provide some soil amendments in identified "rocky" areas to aid in the revegetation effort if requested.

4. Issue: There appears to be crowning in middle of the easement.

Response: SDS has enclosed a copy of the available survey data, which appears to show very minimal changes in ground surface elevations between pre and post construction conditions, i.e., less than one foot deviation. This minimal variation is consistent with standard industry practices and, SDS believes, County expectations. SDS has investigated, and material was removed from the site in order to ensure proper site restoration. That said, in select identified areas SDS, in consultation with the experts assisting Mr. Walker, can undertake appropriate

grading efforts in areas where drainage patterns may be adversely affected by current contours as part of efforts associated with issue #5 below.

5. Issue: There exists an uneven grading pattern in easement areas that may promote a poor drainage pattern.

Response: As referenced above, SDS can undertake appropriate grading efforts in areas where drainage patterns may be adversely impacted by current contours. The exact locations will be determined in consultation with the experts assisting Mr. Walker. The parties agree to minimize, to the extent practicable, the temporary movement of existing irrigation lines.

6. Issue: The sprinkler heads do not adequately cover the easement revegetation area.

Response: SDS believes the sprinkler system is adequate to meet revegetation needs. See attached Redente Ecological Consultants (REC) memorandum, which addresses sprinkler head spacing. Parties must keep in mind that there is no permit requirement to irrigate. SDS will be held to the Colorado Department of Public Health and Environment (CDPHE) construction stormwater and Pueblo County 1041 permit revegetation standards.

7. Issue: The check dams must be maintained and removed when appropriate.

Response: SDS will maintain the check dam structures for their useful life as stormwater management Best Management Practices and remove them once vegetation is re-established.

8. Issue: Any underground springs must be maintained so as to ensure their future availability.

Response: A commitment was made in Appendix C-20 of the Pueblo County 1041 permit to prevent injury to springs. During construction, the springs were located with the assistance of the Walker Ranches foreman and the Controlled Low-Strength Material (CLSM) levels in the trench were adjusted to ensure unimpeded flow of the springs.

9. Issue: The access road along the west side of the easement is too deep and will cause drainage flow problems.

Response: The former site of the road has been ripped, fluffed, and reseeded. Close attention was been paid to drainage contours in the completion of this work.

10. Issue: A drainage arroyo is blocked where the concrete improvement was installed.

Response: SDS will rectify this once Mr. Walker grants access to areas surrounding the arroyo, which are outside the easement boundaries for SDS.

11. Issue: It is necessary to ensure that Mr. Walker is able to cross the easement with a new water pipe.

Response: This should not be an issue given the depth of the SDS pipeline. The parties need to coordinate when any trenching for such a pipe is scheduled to occur.

12. Issue: The blow-off valve area needs additional rip-rap for channel protection.

Response: SDS will extend the rock area once Mr. Walker grants access to areas immediately downgradient, which are outside the easement boundaries for SDS. SDS will also provide information on the flow capacity of the blow-offs.

13. Issue: There is off-easement erosion in the Steele Hollow area.

Response: SDS agrees that this is an issue in the northwestern portion of the drainage channel, immediately outside of the existing SDS easement boundary, and will rectify the condition once Mr. Walker grants access to the area outside of the easement.

14. Issue: Revegetation needs to include native plants like cholla as well as grasses.

Response: These species were pulled to the side during construction and pulled back over the alignment as part of the final restoration efforts. The replaced topsoil material included seeds and vegetation from the pre-existing site condition and were mixed with the seeds planted during the revegetation efforts. Applicable permit revegetation requirements will be met.

15. Issue: Concern was expressed that the contractor would be prematurely released from the stormwater permit obligations.

Response: WSRI will continue to hold the CDPHE construction stormwater permit until the revegetation percent threshold under the CDPHE stormwater permit is met.

16. Issue: Was appropriate mulch utilized to avoid weeds/foreign species?

Response: SDS has confirmed that only certified weed free mulch was used. Documentation will be provided.

17. Issue: Identify the porosity of the CLSM material.

Response: SDS we will provide this information. Please also refer to the response to Issue 5, indicating that CLSM levels in the trench were adjusted to ensure unimpeded flow of identified springs.

18. Issue: Are there unacceptable weeds growing on the north end of the alignment along the up-slope?

Response: SDS will have Colorado Natural Heritage Program and/or Pueblo County's revegetation consultant, Dr. Keammerer, confirm what species are growing in this area and its acceptability (as a nurse crop) under the revegetation plan or mitigate appropriately.