



PUEBLO COUNTY

C O L O R A D O

Planning and Development Department

December 8, 2020

Mr. Seth Boutilier, Project Manager
Black Hills Energy
105 South Victoria Avenue
Pueblo, Colorado 81003

Re: PUEBLO BOARD OF COUNTY COMMISSIONERS
House Bill 1041 Permit No. 1041 2019-003, Repealing Resolution No. 20-263 and Granting
Black Hills Energy 1041 Permit No. 2019-003 with Conditions for Site Selection and
Construction of a Major Facility of a Public Utility for the Cañon West Reliability Project

Dear Mr. Boutilier:

Please be advised that the Pueblo Board of County Commissioners, at its public hearing held on December 8, 2020, voted to approve 1041 Permit No. 2019-003 repealing Resolution No. 20-263 and Granting Black Hills Energy 1041 Permit No. 2019-003 with Conditions for Site Selection and Construction of a Major Facility of a Public Utility for the Cañon West Reliability Project with the following conditions:

1. This permit shall not constitute an exemption from zoning, health, building permits, or other applicable regulations. Issuance of this permit is subject to approval by any regulatory agency where required by regulation or statute.
2. The Cañon West Reliability Project construction and activity shall be according to the plans and information in the materials submitted by the Applicant for 1041 Permit No. 2019-003, attached to the November 20, 2019 staff memorandum to the Board of County Commissioners as Exhibit 1. The Applicant's description of Construction Activities, Operations and Maintenance Activities for the Project within the application materials, including but not limited to Permit area, safety, dust and erosion control, re-vegetation and reclamation, measures to protect wildlife, environmental and other impacts, and other required permits, shall be strictly adhered to. Noncompliance may result in the Department of Planning and Development scheduling a Show Cause Hearing before the Permit Authority to review the Permit approval.

3. The Permit shall be approved for the areas within the Applicant's submitted legal descriptions and maps, noting minor changes could be taken under consideration through the submission of an amendment with substantial changes requiring the submission of a new 1041 permit for review and consideration. The Department of Planning and Development shall review and approve site plans, drawn to scale, depicting specific locations of all components, equipment, facilities and structures, prior to the Applicant receiving approval for a building permit to begin construction.
4. The Applicant shall provide to the Department of Planning and Development copies of all subsequent permit approvals by other regulatory agencies within sixty (60) days of said permit approvals being received by applicant.
5. On or before December 8, 2021, the Applicant shall submit a report to the Department of Planning and Development, detailing the overall status and viability of the Project. The report shall address compliance with each of the approved Conditions of Approval for 1041 Permit No. 2019-003. The Department of Planning and Development may request subsequent, similar reports regarding the Project status.
6. The Applicant shall submit design and construction plans to Pueblo County prior to any disturbance of the permit area and thereafter for any such further disturbances during the life of the project. The initial plans shall include measurements of existing topography and physical features, including but not limited to: slopes, soil or geologic conditions, areas within the designated floodplain, significant clusters of trees and shrubs, native grasses and other flora, water courses, and the associated riparian areas, wetlands, rock outcroppings, and open spaces establishing a baseline of existing conditions. Prior to any disturbance of the permit area during the life of the project, Applicant shall submit to Pueblo County detailed plans for mitigation of any impact to flora, fauna, or floodplain due to construction, operation, or maintenance activities by the Applicant. The mitigation plans shall be designed and implemented by the Applicant to protect and restore disturbed areas to as close to the existing conditions as is reasonably possible in a timely manner. If Pueblo County requires the assistance of experts to review the mitigation plans, the reasonable fees of such experts shall be paid by the Applicant.

OTHER AGENCY CONDITIONS:

7. The Applicant is required to apply for an access permit from every County Road and an excavation permit for the crossing of County rights-of-way with the Pueblo County Department of Engineering and Public Works and comply with the conditions of those permits.
8. The Applicant shall comply with the requirements of the Pueblo West Metropolitan District's Public Works Department relative to the submission of a Stormwater Management Plan (SWMP) and Right-of-Way Use Permit and any conditions of those permits.
9. The Applicant shall address the requests from the Nature Conservancy District relative to providing more acknowledgement of the presence of the easement(s) and their purpose to protect populations of rare plants, the mapping, monitoring and controlling of invasive species (weeds) and consultation for future seed mixtures during reclamation.

If you should have any questions, please do not hesitate to contact me at (719) 583-6100.

Sincerely,



Gail L. Wallingford-Ingo, Deputy Director

gailwi@pueblounty.us

LRS

c: John Vigil, Senior Program Manager, Community Affairs, Black Hills Energy*
Pamela McWharter, HDR Engineering, Inc.*
Marci Day, Assistant Pueblo County Attorney*
Tanis A. Manseau, Director, Pueblo County Department of Engineering and Public Works*
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Engineering and Public Works*
Jim Blasing, Director, Pueblo West Metropolitan District, Department of Utilities*
Jeffrey DeHerrera, Pueblo West Metropolitan District, Department of Utilities*
Shawn Winters, Pueblo West Metropolitan District, Department of Public Works*
Harley Gifford, General Counsel, Pueblo West Metropolitan District*
Nina Vetter, District Manager, Pueblo West Metropolitan District*
Matt Moorhead, Nature Conservancy District*

*sent via email only