BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

THE DIVISION OF RECLAMATION, MINING AND SAFETY'S WITNESS AND EXHIBIT LIST

IN THE MATTER OF FREMONT PAVING & REDI-MIX INC.'S PUEBLO COUNTY AGGREGATE PROJECT APPLICATION (File No. M-2016-009)

The Division of Reclamation, Mining and Safety ("Division") hereby submits its Exhibit and Witness List at the Pre-Hearing Conference held in Pueblo on November 2nd, 2016. Fremont Paving & Redi-Mix's 112c Application (File No. M-2016-009) for the Pueblo County Aggregate Project is set for consideration before the Mined Land Reclamation Board ("Board") at its formal hearing scheduled for November 16-17, 2016.

The Division hereby presents the following list of witnesses that it may call to testify before the Mined Land Reclamation Board regarding the above-captioned application:

<u>Division's Witness List</u>

1) Mr. Tony Waldron
   Minerals Program Supervisor
   Division of Reclamation, Mining & Safety
   1313 Sherman Street, Room 215
   Denver, CO 80203
   303-866-3567

   Mr. Waldron is employed by the Division and may testify to the Division's recommendation to approve Fremont Paving & Redi-Mix's 112c Application (File No. M-2016-009) for the Pueblo County Aggregate Project.

2) Mr. Wally Erickson
   Senior Environmental Protection Specialist
   Division of Reclamation, Mining & Safety
   1313 Sherman Street, Room 215
   Denver, CO 80203
   303-866-3567

   Mr. Erickson is employed by the Division and may testify to the Division's recommendation to approve Fremont Paving & Redi-Mix's 112c Application (File No. M-2016-009) for the Pueblo County Aggregate Project.

3) Mr. Elliott Russell
   Environmental Protection Specialist I
   Division of Reclamation, Mining & Safety
   1313 Sherman Street, Room 215
   Denver, CO 80203
   303-866-3567

   Mr. Russell is employed by the Division and may testify to the Division's recommendation to approve Fremont Paving & Redi-Mix's 112c Application (File No. M-2016-009) for the Pueblo County Aggregate Project.

4) Any witness identified by any other party, whether called or not called by that party.

5) Any witness necessary for impeachment or rebuttal.

6) Any witness necessary to lay a foundation for the introduction of an exhibit.

7) The Division may seek permission to call other witnesses as necessary

Division's Exhibit List

1) Public Record for Division File No. M-2016-009 available on Laserfiche at http://mining.state.co.us

Respectfully submitted to the Colorado Mined Land Reclamation Board on November 2, 2016.

/s/ Scott Schultz
Scott Schultz #38666
Assistant Attorney General
Attorney for the Division of Reclamation, Mining and Safety

Date: November 2, 2016

RE: List of Witnesses for Mined Land Reclamation Board hearing on November 16 and 17, 2016 for M-2016-009 Pueblo County Aggregate Project on behalf of Fremont Paving & Redi-Mix Inc.

Tony Waldron, Director; Amy Eschberger,
Tim Cazier
CO Division of Reclamation, Mining and Safety

Richard Ranson
Ranson and Kane P.C.

Richard Rhoades, Rick Romano and
Beth Fortman
USDA Soil Conservation District

Beth Campbell and Bill Ault
Turkey Creek Conservation District

Herb Pearson
All-Rite Paving & Redi-Mix Inc.

Andy Jesik
Jesik Consulting

Chris Sanchez
Bishop-Brogden Associates Inc.

Bill Schenderlein
Blue Earth Solutions

Beth Van Vurst
Fairfield and Woods, P.C.

Daniel Gilham and Nathan Phelps
Helton & Williamson P.C.

Dr. Keith Roehr
State Veterinarian Agency
CO Department of Agriculture

Roberta Smith
CO Department of Public Health and Environment
Occupational Health Program

Mike Ausmus
Fremont Paving & Redi-Mix Inc.

John Valentine, Phil Courtney
CO State Land Board

Mike Hill
Bessemer Irrigating Ditch Co.

Tom Pritekel, Joe Pritekel
Pritekel Brothers Farm

Dan Henrichs
Henrichs Cattle Co

Jana Rapetti
Fremont County Weed Control Officer

Mark McLean
Deere & Ault Consultants Inc.

Date: November 2, 2016

RE: List of Exhibits for Mined Land Reclamation Board hearing on November 16 and 17, 2016 for M-2016-009 Pueblo County Aggregate Project on behalf of Fremont Paving & Redi-Mix Inc.

CO DRMS 112 Permit application including all correspondences and documents submitted to the Division and currently in public record.

Including the following Exhibits:

A. Legal Description
B. Index Map
C. Pre-Mining and Mining Plan Maps of Affected Lands
D. Mining Plan
E. Reclamation Plan
F. Reclamation Plan Map
G. Water Information
H. Wildlife Information
I. Soils Information
J. Vegetation Information
K. Climate Information
L. Reclamation Costs
M. Other Permits and Licenses
N. Source of Legal Right to Enter
O. Owners of Record of Affected Land and Substance to be Mined
P. Municipalities Within Two Miles
Q. Proof of Mailing of Notices to County Commissioners and Conservation District
R. Proof of Filing with County Clerk or Recorder
S. Permanent Man-Made Structures
T. Notice Requirements

Pueblo County Department of Planning and Development December 5, 2012 Memorandum to Pueblo County Planning Commission recommending approval of the Special Use Permit No. 2012-012 for 44th Lane Project aka Pueblo County Aggregate Project

ANTHONY NUÑEZ
CHAIRMAN
DISTRICT 1

J.E. CHOSTNER
CHAIR PRO TEM
DISTRICT 3

JOHN B. CORDOVA SR.
COMMISSIONER
DISTRICT 2

JOAN ARMSTRONG
DIRECTOR
planning@co.pueblo.co.us

PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Pueblo County Planning Commission

THROUGH: Joan Armstrong, Director JA

FROM: Dominga Jimenez-Garcia, Planner II

DATE: December 5, 2012

SUBJECT: Special Use Permit No. 2012-012
State of Colorado, c/o Pete Milonas, Danny J. and Cindy L. Henrichs, Pritekel Brothers Farm LLC, c/o Bob Pritekel (Surface and Mineral rights owners)
Danny J. and Cindy L. Henrichs (Grazing Lessee)
Fremont paving & Redi-Mix Inc., c/o John Paul Ary (Applicant and Mineral Lessee)
Environmental Alternatives, Inc. Angela Bellantoni (Representative)
Portions of Section 24 and 25, Township 21 South, Range 63 West and Sections 19 and 30, Township 21 South, Range 62 West of the 6th P.M.

PURPOSE

Applicant requests a special use permit for natural deposits extraction and processing; stockpiling, crusher and screening plant; temporary scales and scale house/site office within a 1952± acre permit boundary area in the A-1, Agricultural (minimum 35 acres) Zone District. The application includes a proposed haul route by means of a private road to Highway 50, two mining phases with affected areas less than 500 acres total and proposal to reclaim the mined area to its post mining use of rangeland. The proposed gravel pit is to be named 44th Lane Project.

LOCATION

See Vicinity Map attached as **Exhibit 1**. The proposed permit area is located 1300± feet south of Olson Road, between 41 ½ Lane and Avondale Boulevard in the Avondale area.

LAND USE AND ZONING

See neighboring Land Use and Zoning Map attached as **Exhibit 2** and adjacent property owners as **Exhibit 2a**. The special use permit boundary contains 1952± acres and zoned A-1, Agricultural (minimum 35 acres) Zone District.

Neighboring land uses and zoning are as follows:

NORTH: Majority A-1 Zone District, an area of A-2 Zone District and a Planned Unit Development (JD Vigil Subdivision), agricultural farm land and single family residences.
EAST: Majority A-1 Zone District and area of A-2 Zone District, agricultural farm land and single family residences.
SOUTH: A-1 Zone District, agricultural farm land.
WEST: A-1 Zone District, agricultural farm land and single family residences.

PUEBLO REGIONAL DEVELOPMENT PLAN

The Pueblo Regional Development Plan, most recently amended September 27, 2011, Future Land Use Map recognizes the subject properties as being within an area of "Rural/Ranch". The letter of request (Exhibit 3 - Letter of Request) states:

> *According to Pueblo's Comprehensive Plan, the proposed site is located in the Future Land Use area Rural/Ranch, which recommends limited residential and commercial development to preserve open space and not increase impact on public services. Mining makes little if any demand on public services including water, sanitation and, in this case, public roads.*

RECOMMENDATION

Staff recommends **APPROVAL** of Special Use Permit No. 2012-012 with the following conditions of approval, directive to staff and other requirements:

1. The special use permit is approved for natural deposits extraction and processing; stockpiling, crusher and screening plant; temporary scales and scale house/site office. Processing and stockpiling shall be restricted to materials excavated from the site.

2. There shall be **NO** blasting permitted in association with the mineral extraction activities.

3. The location of the area used for Special Use Permit No. 2012-012 shall be limited to the 1952± acre area described in the letter of request attached to this staff report as Exhibit 3 and as depicted on the Mining and Processing Plan Map identified as Exhibit 4 of that staff report dated December 5, 2012. Any additional area to be used for Special Use Permit No. 2012-012 shall require an amendment to the Special Use Permit.

4. The View Shed Buffer Area shall be preserved throughout the life of the mine and the mining operation shall not encroach within the view shed buffer area.

5. The mining operation shall not encroach within the 200 foot (to either side) buffer around structures, 75 foot (to either side) buffer around power poles, 40 foot (to either side) buffer around gas lines and any existing utility easements.

6. Maintain the Active Golden Eagle Nest ½ Mile Buffers as depicted on the Mining and Processing Plan Map attached as Exhibit 4 of that staff report dated December 5, 2012.

7. If and when prairie dogs are present on the property research for burrowing owls shall be conducted and the 150 foot buffer as recommended by the Department of Wildlife will be complied with.

8. Days and Hours of Operation and Hauling shall be as follows:

   - DURING THE MONTHS OF APRIL THROUGH OCTOBER
     - ✓ 6:00 am to 7:00 pm, Monday through Friday
   - DURING THE MONTHS OF NOVEMBER THROUGH MARCH
     - ✓ 7:00 am to 5:00 pm, Monday through Friday

   These days and hours shall not apply to emergency situations that require immediate maintenance or repair to protect the site and surrounding environment, or immediate response to a government directive to supply materials to protect the health, safety, and welfare of the surrounding community. Documentation from the Agency requesting the emergency demand, which includes a specified time frame, shall be submitted to the Department of Planning and Development. Should the applicant wish to extend the hours or days of general operation, the applicant must apply for and obtain an amendment to this special use permit, through the public hearing process.

9. The haul route from the site shall be limited to that route depicted on the Haul Routing Map attached as Exhibit 5 of that staff report dated December 5, 2012 and within the private easements.

10. Prior to commencing any mining activities the applicant shall submit to the Department of Planning and Development:

    A. Copies of the recorded Memorandum of Easement Agreements along with any described attachments.
    B. Photographs of the school bus crossing signs which include the anticipated school bus crossing times after they have been posted as depicted on the Haul Routing Map attached as Exhibit 5 of that staff report dated December 5, 2012.
    C. Photographs of the truck crossing signs after they have been posted as depicted on the Haul Routing Map attached as Exhibit 5 of that staff report dated December 5, 2012.
    D. Submit a letter from the Department of Public Works or Colorado Department of Transportation should they require any changes to the truck crossing signs and/or any revised maps depicting said signs.
    E. Photographs of the posted 10 mph speed limit signs. There shall be a minimum of two (2) speed limit signs posted along the private road; one located at a point from which the trucks exit the easterly boundary of the special use permit area and another as the trucks enter the private road off of US Highway 50.

11. For the duration of the operation and reclamation, the applicant and/or property owner shall apply and maintain effective weed control on the permitted site, to prevent the establishment and/or spread of noxious weeds, and to maintain a vegetative cover compatible with surrounding rangeland.

12. A licensed cleaner/pumper shall be used to clean and service the portable toilets.

13. The applicant shall file with the Department of Planning and Development an annual mining operation and reclamation activities report that addresses compliance with the conditions of this

Special Use permit. Said report shall be submitted by the first day of the anniversary month of the approval date of this Special Use Permit.

14. Upon completion of the project the applicant shall submit a written request to the department of Planning and Development to withdraw the special use permit. The request shall include the anticipated date for completion of the reclamation.

15. The applicant shall develop, operate, and manage the mining-related activity according to the rules, regulations, plans and permits administered by the applicable federal, state, and local agencies. Any violation of a rule, regulation, permit, or plan may result in the scheduling of a Show Cause Hearing to consider revocation of the special use permit.

DIRECTIVE TO STAFF: The Department of Planning and Development is directed to conduct an administrative review of the property during the month of December, 2013 and to present a report to the Pueblo County Planning Commission at its December, 2013 meeting. If the use is not established and/or the property is not in full compliance with the Pueblo County Code and/or all of the conditions of approval, the Commission may, at its discretion, direct staff to schedule the permit for a public hearing at the January, 2014 meeting. The Commission, at its discretion, may also direct staff to conduct an administrative review and/or schedule the permit for public hearing at an earlier date, if deemed necessary. **THIS DIRECTIVE TO STAFF IS NOT INTENDED AS A CONDITION OF APPROVAL.**

❖ **OTHER REQUIREMENTS**

Prior to commencing mining activities, the applicant must obtain several other permits, in addition to this special use permit. Depending upon the nature and location of the operation, a mineral operation must acquire permits from the following agencies and copies of any approved permits shall be submitted to the Department of Planning and Development:

- Colorado Division of Reclamation, Mining and Safety (DRMS) – Mining and Reclamation Documents/Permits
- Colorado Department of Health, Air Pollution Control Division – Fugitive Dust Permits
- Colorado Department of Health, Water Quality Control Division – Stormwater Discharge Permit
- Pueblo County Department of Public Works – Access Permit for Olson Road and McHarg Road.
- Colorado Department of Transportation – Access Permit for a change in use to State Highway 50 and a letter of acceptance from the Colorado Department of Transportation that the required state highway improvements have been installed per the State Highway Access Permit.

The applicant shall provide the Department of Planning and Development a copy of all other required Federal, State, and local permit applications, approvals, amendments, waivers, or releases (e.g. air quality, DRMS, etc.) pertaining to Special Use Permit No. 2012-012 within 30 days of their submittal to the respective agency, and approval by the respective agency

BACKGROUND

A portion of these properties was part of a special use permit that was denied in 2001. The applicant, Fremont Paving and Redi-Mix, Inc., submitted a special use permit requesting to allow

the operation of a portable asphalt hot mix plant and concrete batch plant, in conjunction with extraction and processing of natural deposits (sand and gravel) on a 360 acre parcel. It was later requested by the applicant to remove the request for a concrete batch plant. The site was located within a portion of Section 24, Township 21 South, Range 63 West of the Sixth Principal Meridian. Special Use Permit No. 2001-011 was denied on November 29, 2001, based upon concerns regarding the existing road system, the traditional functions of the agricultural community and the overall impact of the proposed operation and haul route to the public health, safety and welfare.

FIRE PROTECTION

The property is located within the service area of the Emergency Services Team. This Department only responds to wild land fires.

FLOODPLAIN

The site is not within a "Special Flood Hazard Area" according to the Federal Emergency Management Agency's Flood Insurance Rate Map, Community Panel No. 080147 0380B effective date August 18, 2000.

IMPORTANT FARMLANDS OF PUEBLO COUNTY

The "Important Farmlands of Pueblo County Colorado Map (1979), prepared by the USDA-Soil Conservation Service and Colorado State University Experiment Station, depicts the subject parcel as not containing farmlands of national or state importance. The actual mining area is depicted as "Other Land", surrounded by farmland considered "Prime if Irrigated" within the parcel.

MINERAL EXTRACTION MASTER PLAN

The mining area is not within the Mineral Resource Areas To Be Protected (for commercial use) as depicted on the *Mineral Extraction Master Plan Map*, adopted September 4, 1975 in response to State enabling legislation in HB 1529 and HB 1041. The Official Mineral Extraction Plan is a composite map that indicates commercially extractable sand and gravel deposits, as identified by the Colorado Geological Survey. Per the *Pueblo Regional Development Plan* adopted by Pueblo County Commissioners October 16, 2001, with final approval being granted by the Pueblo Area Council of Governments on July 25, 2002, gravel and sand are probably the most valuable mineral resources in Pueblo County, and are found primarily in the floodplain of major rivers and their tributaries. The *Development Plan* notes other valuable upland terrace deposits also exist in Pueblo County, but had not been mapped.

MINING OPERATION PLAN

The letter of request (Exhibit 3a - Letter of Request) states:

> *Please accept this letter and documentation as formal notice of application from Fremont Paving & Redi-Mix Inc. for Special Use Permit (SUP) to extract and process natural deposits of gravel to produce construction material on property owned by State of Colorado, Pritekel Brothers Farms LLC and Danny and Cindy Henrichs, located south of Olson Road, southwest of Avondale, Colorado.*

Activities at the site will include:

> *…extraction with front end loaders retrofitted with "white sound" back up alarms in compliance with MSHA, screening, crushing, stockpiling and reclamation. The temporary scale house will serve as site office.*

The type of mining at the site:

> *…will be a surface mine extracting gravel. Natural gravel reserves are present in the top approximate 15 to 20 feet of the mesas.* ***No explosives*** *will be necessary during mining.*

The hours of operation and hauling are proposed as:

> *Normal hours of operation are anticipated from 6 am to 7 pm, five days per week during the summer construction season. Operating hours may extend to Saturdays if a government project or emergency demands. During winter months, hours will be reduced to 7 am to 5 pm, five days per week when in operation. Economic conditions may result in seasonal shut down during the winter. Up to six employees will operate the site during one shift per day.*

Additional information was requested regarding the mining operation which included months and hours of hauling. The representative responded via e-mail, attached as **Exhibit 3b** of this staff report, on December 4, 2012 with the following:

> 2. *Seasonal operations are anticipated as summer months including April thru October and winter months including November thru March.*
> 3. *The applicant respectfully requests to haul aggregate during operating hours…*

Existing structures include:

> *…agricultural fences, Colorado Interstate Gas high pressure gas line requiring a 40 ft setback and an Xcel transmission power line requiring a 75 ft radial setback from power poles. The operation will require construction of an access road that will be reclaimed. All other structures, including the scales and scale house will be temporary.*

The mining operation will have two (2) phases as outlined in the letter of request (Exhibit 3a - Letter of Request) and on the mining and processing plan map (Exhibit 4 – Mining and Processing Plan Map):

> *Detailed site development is provided for Phases 1 and 2. The process area, including stockpiles and employee parking, will cover approximately ten acres. Active mining will be limited to no more than 25 acres at any one time in addition to the processing area. Phase I, Section 25, contains only one mesa of interest, less than 100 acres. Phase 2 will include two gravel mesas in Section 24. Even though the mesas are larger in Section 24 than in Section 25, the north and west facing mesa faces will remain intact in order to preserve the view shed of Pueblo County residents; therefore mining will affect less than 100 acres. The estimated life of mine is 10 to 20 years depending on market demand.*
>
> *Project acreage distribution is as follows:*

Area Description	Acres
Phase 1	78.2
Phase 1 Processing and Stockpile Area	10.0
Phase 1 On-Site Haul Road	6.7
Phase 1 Total	**94.9**
Phase 2	77.1
Phase 2 Processing and Stockpile Area	10.0
Phase 2 On-Site Haul Road	5.3
Phase 2 Total	**90.4**

The letter of request (Exhibit 3a - Letter of Request) states that the applicant met with area neighbors regarding view shed protection measures for north and west facing mesas. It further states:

> *The Undisturbed View Shed Buffer Area depicted on the Mining and Processing Site Map* (Exhibit 4 – Mining and Processing Plan Map) *represents approximately 100 acres. The south and eastern boundary of the buffer area will be staked prior to commencement of excavation. The undisturbed north and west facing mesas will also serve as noise and dust barrier for area neighbors.*

WATER AND SEWER

Proposed water and sewer at the site will be:

> *Water will be hauled to the site as necessary for fugitive dust control and employee use. Water will be provided to the site in a 6500 gallon water truck with water purchased from Board of Water Works of Pueblo…Sanitation services will be provided by temporary port-a-let facility. Waste Connections of Colorado commits to providing service at the project site.*

The letter of request (Exhibit 3a - Letter of Request) further states:

> *Stormwater management will be in accordance with Colorado Department of Public Health and Environment, Water Quality Control Division. Best management practices will include perimeter berms to direct any surface flow in contact with mining operations into stormwater detention ponds where percolation will occur within 72 hours.*

Comments from the Pueblo City-County Health Department state:

> *This Department has reviewed the document presented regarding SUP 2012-012. If the applicants have not yet done so, they must apply for air quality and stormwater quality permits from the Colorado Department of Public Health and Environment. The use of portable toilets will be acceptable to service the gravel pit and scale house. Some means of disinfection or hand washing should be supplied to the employees after using the portable toilets. A licensed cleaner/pumper must used to clean and service the portable toilets. If any structures, which contain restrooms, are connected to a water supply, the property owners will be required to install an individual sewage disposal system to service that structure.*

Comments from the State of Colorado, Department of Natural Resources, Division of Water Resources state:

> *This is provided as a courtesy comment as this proposal does not involve a subdivision requiring comment by the State Engineer's Office pursuant to C.R.S. 30-28-136(1)(h)(I). The submittal has a completed DWR Checklist and also an email from Angela Bellantoni, of Environmental Alternatives, Inc., consultant for the applicants with information that hauled water will supply all water needs for dust suppression and no other water needs are planned. A letter of commitment from the Pueblo Board of Water Works was submitted. Additionally, a portable toilet service is planned at the facility.*
>
> *We do not object to hauled water from a legal municipal source.*

ACCESS, HAUL ROUTE AND NUMBER OF LOADS HAULED

The letter of request (Exhibit 3a - Letter of Request) states, *"The project entrance will be constructed approximately ¾ mile west of the Olson Road and Avondale Boulevard Intersection, approximately two miles south of Avondale"* and describes the haul route (Exhibit 5 – Haul Routing Map) as follows:

> *The haul route will be a posted private road from the processing site to Highway 50 west of Avondale. A minimum of 100 feet of the haul road will be paved at the intersection with Olson Road both northward and southward. The haul road entrances at both Hwy 50 and Olson Road will include a vehicle tracking device. The private road will be gated at Olson Road to limit use only to project traffic. Truck crossing signage will be posted on Olson Road as requested by Pueblo County. The haul road will be modified as directed by Pueblo County and maintained as project development requires.*

The representative has also stated via e-mail, attached as **Exhibit 3b** of this staff report, that truck crossing signs will also be posted at McHarg Road and State Highway 50. The Haul Routing Map attached as **Exhibit 5** of this staff report has been revised to depict said revisions.

The haul route goes east from Phase I and II to the east boundary of the special use permit area and then across private properties going northeasterly to Olson Road then north to State Highway 50. The letter of request (Exhibit 3a - Letter of Request) lists the haul road property owners as follows:

Haul Road Property Owners

Property Owner	Parcel Number	Reception Number	Legal description
Centa Land Co., LLC	1200000016	1824988	NE 1/4, S19-21-62
Bregar	1220000012	1428951	W 1/2 of W 1/2 NW 1/4, S20-21-62
Bregar	1220000013	1428950	E 1/2 of W 1/2 NW 1/4, S20-21-62
Centa Land Co., LLC	1217000011	1310166	Lot 2 in the SW 1/4, S17-21-62
BL & KJH, LLC	1217001003	1787015	Blocks 62 and 69, T22-R62
Henrichs	1200000015	1202158	E 1/2 of SE 1/4, 19-21-62
Henrichs	1200000022	1202158	E 1/2 of NE 1/4, 30-21-62

According to the haul route map the properties affected outside of the special use permit area are as follows:

Parcel No. 12-000-00-015	Danny J. and Cindy L. Henrichs – Point at which the haul route exits the special use permit boundary and proceeds northeasterly.
Parcel No. 12-000-00-016	Centa Land CO LLC – Haul route crosses the SE corner of this property.
Parcel No. 12-200-00-008	Thomas J. and Nancy L. Bregar – Haul route goes across this property and then north to a bridge across the Bessemer Ditch.
Parcel No. 12-200-00-013	Thomas J. and Nancy L. Bregar – Haul route continues north across property, west of the residence and to the south line of Olson Road.
Parcel No. 12-170-00-011	Centa Land Co LLC – Haul route continues north across Olson Road and through the center of this property.
Parcel No. 12-170-01-003	BL & KJH LLC – Haul route continues north along the east side of this property to the southerly right of way of McHarg Road.
Parcel No. 12-080-01-050	Centa Land CO LLC – Haul route proceeds north along the east side of this property and exits onto Highway 50.

The representative submitted Memorandum of Easement Agreements (Exhibit 6 – Memorandum of Easement Agreement – Only one attached as example all others are the same except names and legal descriptions change) from the above property owners. The agreements state under No. 2, *"…the parties agree to record this Memorandum of Easement Agreement together with a legal description of the actual easement and right of way acquired and to be used by Grantee, which is attached hereto as Exhibit A…"*. Said Exhibit A was not attached to the agreements, although the agreements for BL & KJH LLC and Centa Land Co. LLC, legally describe the easement under item No. 1 while the agreement for Thomas J. and Nancy L. Bregar and Henrichs Land and Cattle LLC only state *"they have acquired an easement across"* the property.

South of Olson Road the haul route will cross the Bessemer Ditch and access is as follows:

- June 25, 2010 - Danny J. and Cindy L. Henrichs submitted to the Bessemer Irrigating Ditch Company a request (Exhibit 7 – Request to place a bridge) for *"…a permit to place a bridge over the Bessemer Ditch…"*. The request was signed by Henrichs and Bregars because the bridge is located on the Bregar property. Henrichs have an agreement to access their property through the property owned by the Bregar's.
- August 12, 2010 - Bessemer Irrigating Ditch Company grants easement (Exhibit 8 – Crossing Agreement) to Henrichs to build a bridge across the Bessemer Ditch.
- November 26, 2012 – Danny J. Henrichs submits to the Department of Planning and Development a statement (Exhibit 9 – Statement by Danny J. Henrichs) that they *"…have granted Fremont Paving & Redi-Mix Inc. permission to construct the bridge* (across the Bessemer Ditch) *and use the bridge to access 44th Lane Project for the life of the project."*

The number of loads hauled is proposed as:

An average of 50 loads of gravel will be hauled per day during the summer construction season. During winter months, an average of 20 loads will be hauled from the site. Hauling will occur over the course of 8 hours per day which allows approximately 2.5 trucks per hour.

The representative, via e-mail, attached as **Exhibit 3b** of this staff report, requested that the hours of hauling be revised from 8 hours per day to be the same as the operating hours. The hours of operation as previously stated are 6:00 am to 7:00 pm from April thru October and 7:00 am to 5:00 pm from November thru March.

Comments from the Department of Public Works state:

The haul route for this application is proposed to be a private road system from the pit to an access point onto State Highway 50. State Highway 50 is regulated by the Colorado Department of Transportation. The applicant will be required to make application to CDOT for access onto Highway 50 from the private road. The private road will cross Olson and McHarg Road which are maintained by Pueblo County. Olson Road is a paved road 20 feet in width with roadside ditches in fair condition. McHarg Road is a gravel surfaced road 18 feet in width with roadside ditches. The applicant is required to obtain an access permit from this department for access onto Olson and McHarg Road and to comply with all conditions of those permits. Approved access permits shall be deemed as compliance with this condition.

This department does not oppose approval of this application. If the planning commission chooses to approve this special use permit, we would request that the following conditions be placed upon that approval:

1. *The haul route for this application shall be limited to the proposed private road which runs from the pit north to State Highway 50.*

2. *The applicant shall submit applications, for access permit, to the Pueblo County Engineering department for their proposed access points onto Olson and McHarg Road. All conditions associated with said permits shall be complied with prior to commencing hauling operations from the pit. Approved access permits shall be deemed as compliance with this condition.*

The applicant has also taken into consideration bus routes in the area and has stated in the letter of request (Exhibit 3a - Letter of Request):

Pueblo School District 70 has many bus routes in the area. Based on the District 70 bus route website, two bus route maps were developed; a morning route map (Exhibit G-Attached as Exhibit 10 of this staff report) and an afternoon route map (Exhibit H-Attached as Exhibit 11 of this staff report). To increase school bus awareness of truck drivers and employees, bus crossing signs will be posted at both Olson Road and Hwy 50 that include anticipated school bus crossing times. Drivers will be instructed to take extra caution crossing the intersection during posted school bus times. Both maps were presented to Mr. Smith, Superintendent of District 70, via email on September 24, 2012 (Exhibit I - Not attached to this staff report*) and followed with a phone message on October 1, 2012. As of this date, Mr. Smith has not responded to our request for input. Summer is the most active construction season, when schools are not in session and bus traffic is minimal.*

Dust control on the haul route is proposed as follows:

> *Fugitive dust will be controlled by posting vehicle speed limit signs at 10 miles per hour, water spray application to active extraction faces and stockpiles using a water truck, application of tacifier on haul roads and temporary seeding stockpiles that are anticipated to exist for longer than one year. These air quality control measures will be incorporated into the Colorado Department of Public Health and Environment, Air Pollution Control Division air pollution permit and fugitive dust plan.*

RECLAMATION PLAN

The Reclamation Plan Map is attached as **Exhibit 12** and the letter of request (Exhibit 3a - Letter of Request) states:

> *The proposed post-reclamation land use is rangeland…The proposed site is currently of limited agricultural productivity due to large amount of gravel in surface material. Reclamation will improve vegetative cover thus increase productivity.*
>
> *The Natural Resources Conservation Service (NRCS) representative Rich Rhoades visited the site in May 2001 followed by the report dated May 14, 2001 (Exhibit B* – Not attached to this staff report, summarized below*). When Mr. Rhoades was contacted for any changes to the 2001 report, he stated the report still represented the area of interest…Reclamation will be performed in accordance with NRCS and Turkey Creek Conservation District recommendations including monitoring for noxious weeds.*
>
> *…The operation will require construction of an access road that will be reclaimed.*

The 2001 report from the Natural Resources Conservation Service states in part:

> *The site is not prime farmland. The owner of the land is Pritekel Brothers Farm LLC. Fremont Paving will be responsible for reclamation. The postmining land use is grazing. It is not anticipated that groundwater will be intercepted by this activity.*
>
> *The soil identified on soil map #24 from the Pueblo Area Soil Survey is a Cascajo very gravelly sandy loam, 5 - 15% slopes. This soil is more fully described in the attached material including a non-technical description of the soil mapping unit. Copies are included of three tables from our soil survey database: Engineering Index Properties, Physical and Chemical Properties and Soil Interpretations - Gravel. Please note that these properties are typical of the native, undisturbed soil.*
>
> *The vegetation on the pit site consists primarily of grasses Including blue grama, red threeawn, and ring muhly. Forbs and shrubs in the area include scarlet globemallow, slimflower scurfpea, yucca, walkingstick cactus, plains prickly pear, and a variety of forbs. Cover ranges from 15% to 20%. Production varies from 550 to 650 pounds per acre. See the attached for more detailed information on plant composition based on the inventory conducted May 11, 2001. The site's current ecological condition is fair, related to ecological site productivity and composition.*

The letter also outlines nine (9) steps to follow to revegetate the site such as learning how to distinguish native species from weeds, avoid driving through noxious weed infested areas, inspect

maintenance or heavy equipment for weed seeds before it enters the property, avoid leaving piles of exposed soil in construction areas and etc.

WEED MANAGEMENT

The letter of request (Exhibit 3a - Letter of Request) states the following regarding an inspection conducted by the Turkey Creek Conservation District – Noxious Weed Control Program for Pueblo County:

> *Beth Campbell of Turkey Creek Conservation District visited the site on September 18, 2012 followed by the October 9, 2012 report (Exhibit C* – Not attached to this staff report, summarized below*) stating noxious weeds were not present and recommending best management practices during reclamation. Reclamation will be performed in accordance with NRCS and Turkey Creek Conservation District recommendations including monitoring for noxious weeds.*

The letter from the Turkey Creek Conservation District – Noxious Weed Control Program for Pueblo County, dated October 9, 2012 states in part:

> *At the time of inspection, no State-listed noxious plant species were observed on the proposed gravel mine property as described above. Also, let it be noted that the current natural area was observed to be suffering from the prolonged drought conditions affecting the county.*
>
> *All surface mining activities generate situations that can easily result in noxious weed infestations. Severe soil disturbance, creation of roads, high traffic volumes, and equipment movement between sites can all lead to conditions in which noxious weeds get started without much difficulty. Below are a few best management practices that can help avoid the establishment of noxious weed infestations.*

The letter then outlines six (6) best management practices to follow at the site.

WILDLIFE

The letter of request (Exhibit 3a - Letter of Request) states the following regarding wildlife in the area:

> *Colorado Division of Wildlife (DOW) and Colorado Natural Heritage Program (CNHP) were both solicited for wildlife impact mitigation recommendations. A telephone discussion followed receipt of DOW's September 2, 2012 correspondence (Exhibit D* – Attached as Exhibit 13 of this staff report*) on September 17, 2012 with Mr. Trujillo, DOW Area Wildlife Manager, which included DOW commitment to provide GPS coordinates of the Golden Eagle nest in order to delineate the appropriate setback and DOW relinquish of operating limitation caused by the burrowing owl because of the Undisturbed View Shed Buffer Area. On October 14, 2012, (Exhibit E* – Attached as Exhibit 14 of this staff report*) DOW responded with prairie dog colony and potential burrowing owl accepted mitigation measures. The applicant will commence prairie dog removal as recommended by DOW prior to March 14th. The seasonal required setbacks from the eagle's nest will be respected and are included on the Mine Plan map.*

> *CNHP database search report (Exhibit F –* Not attached to this staff report*) for threatened and endangered species was received August 31, 2012. Sensitive wildlife in the area includes the Arkansas Darter, the plover, the tern and a Cassin's sparrow. The sparrow is not a sensitive species according to the report. The remaining identified wildlife is near or in aquatic habitat, not present in the vicinity of the project area.*

The Mining & Processing Plan Map (Exhibit 4 – Mining and Processing Plan Map) as well as the Reclamation Plan Map (Exhibit 12 – Reclamation Plan Map) depicts the active burrowing owl burrows and the active golden eagle nest ¼ mile buffer and ½ mile buffer.

AGENCY COMMENTS

Initial comments received the St. Charles Mesa Water District on November 19, 2012 state:

> *The St. Charles Mesa Water District does not have any comments regarding this special use permit. The location of the actual mining will not impact the District water supply, and the haul route will not cross any of our water mains.*

Comments were also received from the St. Charles Mesa Water District on December 4, 2012 and state:

> *My comments related to the gravel operation related to the water District's water rights and distribution system remain unchanged.*
>
> *I do have some concern's relating to our farm property next to the haul route. The District's property has concrete irrigation ditches and culverts that deliver water to the farm and provide drainage. Any damage or needed upgrade to the system will have to be the responsibility of the person or person's operating the gravel mining and hauling. I understand that the haul route will be chip sealed or some type of coating to control dust. This must be required and maintained during operation.*

These comments were forwarded to the representative and responded via e-mail, attached as **Exhibit 3b** of this staff report, which state in part:

> 4. *The DRMS 112 Permit application requires a Damage Compensation Agreement with all parties owning structures within 200 feet of the affected area. Not knowing the exact location of this ditch and culvert, but if it is within the 200 foot limit, the agreement will specifically state any damage to the structure caused by mining, including hauling, will be the responsibility of the permit holder to correct and/or repair.*
> 5. *Yes, the applicant commits to dust control coating on the haul road.*

Comments from Xcel Energy state, *"…Xcel Energy does not have any lines that will be impacted by the special use permit shown."*

COMMENTS

1. Staff conducted an on-site inspection of the property on November 28, 2012. The property is rangeland (Exhibit 15a, 15b, 15c and 15d – Photographs of the area). The surrounding areas are single family residences, rangeland and agricultural.

2. Under "AGENCY COMMENTS" the St. Charles Mesa Water District stated that, *"…Any damage or needed upgrade to the system will have to be the responsibility of the person or person's operating the gravel mining and hauling."* The haul route does cross some private ditches and culverts of which the applicant has obtained easements (Exhibit 6 – Memorandum of Easement Agreement – Only one attached as example all others are the same except names and legal descriptions change) from each individual property owner. Each property owner within the haul route would be responsible for their private property and any damages that occur such as damages to their ditches or culverts.

3. Prior to recordation of the Memorandum of Easement Agreements the applicant should submit copies for review by the Department of Planning and Development in order to ensure the easements follow the haul route as depicted on Exhibit 5 of that staff report dated December 5, 2012. The Memorandum of Easement Agreements shall include all attachments and legal descriptions. Any descriptions using an offset from centerline shall include a drawing with point of beginning and point of terminus depicted.

4. The letter of request included, *"…a waiver of an Outdoor Lighting Plan per Section 17, 120.180 of the Pueblo County Code."* Based upon the hours of operation being during daylight hours, outdoor lighting is not required; therefore a waiver is not necessary.

5. This Department does not have jurisdiction to create management plans for weeds, or erosion control, but can require the applicant to comply with other Federal, State, and local regulations that may include such controls. The Division of Reclamation, Mining and Safety (DRMS) permit requires prevention of the growth and spread of noxious weeds during operation and reclamation. The DRMS permit and the Stormwater Discharge Permit require the applicant to undertake protective measures to prevent erosion, runoff impacts, and water pollution. The required Fugitive Dust Control Permits will address issues of blowing dust.

6. The concept of zoning under lying "Special Use" or "Uses-by-Review" is that such uses are not inherently inconsistent with the "principal uses" or other "uses-by-review" of the zone district. However, a specific use-by-review may not be appropriate at all locations throughout the zone district. Therefore, the Planning Commission is given the opportunity to consider the compatibility of the use with surrounding uses. The Commission may also impose reasonable conditions to ensure consistency with the character of the area and to minimize impacts.

7. Chapter 17.140, Section 050 SPECIAL USE PERMIT STANDARDS of the Pueblo County Code sets forth the standards the Planning Commission must make in its approval of a special use permit. The following is a list of those standards, in bold face type, with staff's comments thereafter:

   (a) The requested use is a use listed as a special use in the zone district in which the parcel is located. Alternatively, the Planning Commission may find, based upon the determination of the Pueblo County Zoning Administrator or upon its own finding, that a requested use is similar to those uses listed as uses-by-right or uses-by-review in the zone district in which the parcel is located. A similar use determination by the Zoning Administrator or by the Pueblo County Planning Commission shall not be site specific and shall thereafter be binding upon Pueblo County in the interpretation and administration of this Title (i.e., Title 17 LAND USE of the Pueblo County Code) unless and until the same is amended in accordance with law and regulation.

The *"extraction and processing of natural deposits"* is listed as a use by review in the A-1, Agricultural (minimum 35 acre) Zone District.

(b) The granting of the Special Use Permit will not substantially modify the Land Use plan or the intent, purpose and spirit of this Title (i.e., Title 17 LAND USE of the <u>Pueblo County Code</u>).

The special use permit does not modify the land use plan. The Purpose statement for the A-1 Zone District states, *"The standards of these districts (A-1 and A-2) are designed to retain and promote the appropriate use of dry range and irrigated lands and encourage open use of the land in keeping with its natural characteristics and agricultural functions."* This proposal to extract and process natural deposits, and then reclaim the site is consistent with that intent.

(c) The Special Use Permit proposal incorporates reasonable means to create an environment harmonious with that of surrounding properties.

The majority of the surrounding area is single family residences and agricultural land. The applicant has proposed to reclaim the site to rangeland. The mining plan, as presented, will allow wise use of natural mineral resources, with reclamation to rangeland, which is the predominant use in the area.

The applicant has taken into consideration the surrounding properties and has proposed:

- Undisturbed View Shed Buffer Area – Approximately 100 acres are reserved as an undisturbed view shed buffer along a portion of the north boundary and majority of the west boundary as depicted on attached Exhibit 4, Mining and Processing Plan Map. This buffer will also provide a noise and dust barrier.
- Active Golden Eagle Nest ½ Mile Buffer – The letter of request states, *"…the seasonal required setbacks from the eagle's nest will be respected and are included on the Mine Plan Map."*
- Prairie Dog Removal – As previously stated in the letter of request, *"…The applicant will commence prairie dog removal as recommended by DOW prior to March 14th."* The recommendation for prairie dog removal by the Department by Wildlife is to ensure an adequate buffer zone between development and potentially nesting burrowing owls.
- Speed Limit Signs – *"Fugitive dust will be controlled by posting vehicle speed limit signs at 10 miles per hour, water spray application to active extraction faces and stockpiles using a water truck, application of tacifier on haul rods and temporary seeding stockpiles that are anticipated to exist for longer than one year."*
- White sound back up alarms – front end loaders retrofitted with white sound back up alarms in compliance with MSHA.

(d) The Special Use Permit will not adversely affect the public health, safety or welfare.

The special use permit will not adversely affect the public health, safety, or welfare provided all conditions of approval are complied with in their entirety.

Other Federal, state, and local agencies will regulate the permitted use to protect the public health, safety, and welfare.

The applicant has taken into consideration bus routes in the area and attempted to obtain comments from Pueblo School District 70. The applicant has proposed:

- Bus Crossing Signs – Bus crossing signs will be posted at Olson Road and Highway 50 that include anticipate school bus crossing times.
- Truck Crossing Signs – Truck crossing signs will be posted at Olson Road and McHarg Road.
- Speed Limit Signs – The applicant will post within their haul route 10 miles per hour speed limit signs.

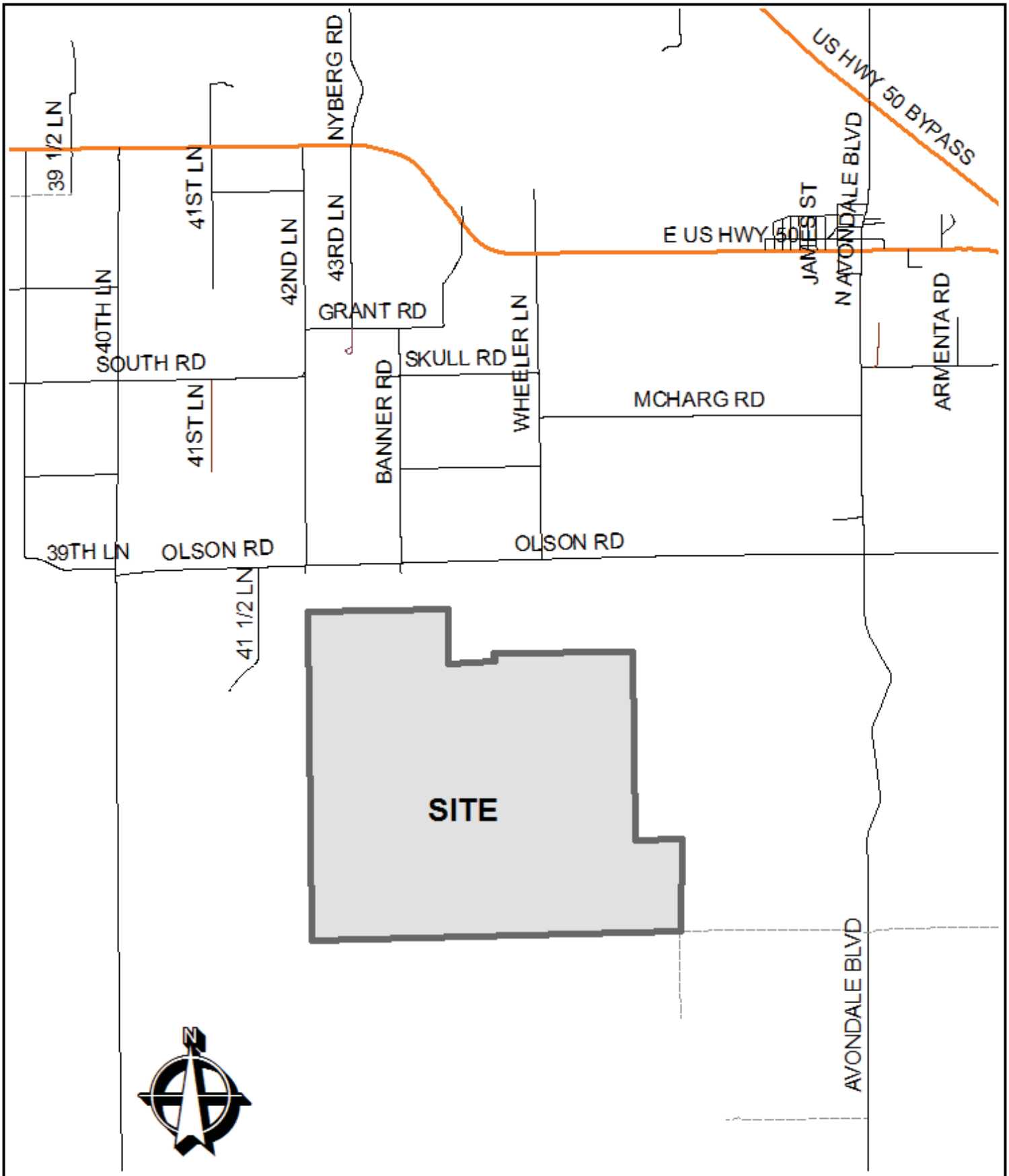
8. Any person aggrieved by the decision of the Planning Commission on this Special Use Permit may, upon the specific terms and conditions set forth in the Pueblo County Code, Title 17, Chapter 17.140, Sections 17.140.100 through 105, appeal the decision to the Board of County Commissioners. The request for an appeal must be filed within ten days of the decision of the Planning Commission. The decision on whether or not to hear the appeal lies within the sole discretion of the Board of County Commissioners.

DJG

Attachments:
Exhibit 1 . . . . . Vicinity Map
Exhibit 2 . . . . . Zoning and Land Use Map
Exhibit 2a . . . . . Adjacent property owners
Exhibit 3a . . . . . Letter of request
Exhibit 3b . . . . . E-mail d. 12-4-12, additional information
Exhibit 4 . . . . . Mining and Processing Plan Map
Exhibit 5 . . . . . Haul Routing Map
Exhibit 6 . . . . . Memorandum of Easement Agreement
Exhibit 7 . . . . . Request to place bridge
Exhibit 8 . . . . . Crossing Agreement
Exhibit 9 . . . . . Statement by Danny J. Henricks
Exhibit 10 . . . . . Morning Route Map (Bus Route)
Exhibit 11 . . . . . Afternoon Route Map (Bus Route)
Exhibit 12 . . . . . Reclamation Plan Map
Exhibit 13 . . . . . Colorado Division of Wildlife Comments d. 9-17-12
Exhibit 14 . . . . . Colorado Division of Wildlife Commends d. 10-14-12
Exhibit 15 . . . . . Photographs of the area – 15a, 15b, 15c, 15d

c: Fremont Paving & Redi-Mix Inc., John Paul Ary
Environmental Alternatives Inc., c/o Angela Bellantoni
State of Colorado, State Land Board, c/o Pete Milonas
Danny J. and Cindy L. Henrichs
Pritekel Brothers Farm LLC, c/o Bob Pritekel
Centa Land CO LLC., c/o Robert Centa
Thomas J. and Nancy L. Bregar

BL&KJH, LLC., c/o Bert Hartman
Colorado Department of Transportation, c/o Carl Buford
Thomas Rusler
St. Charles Mesa Water District

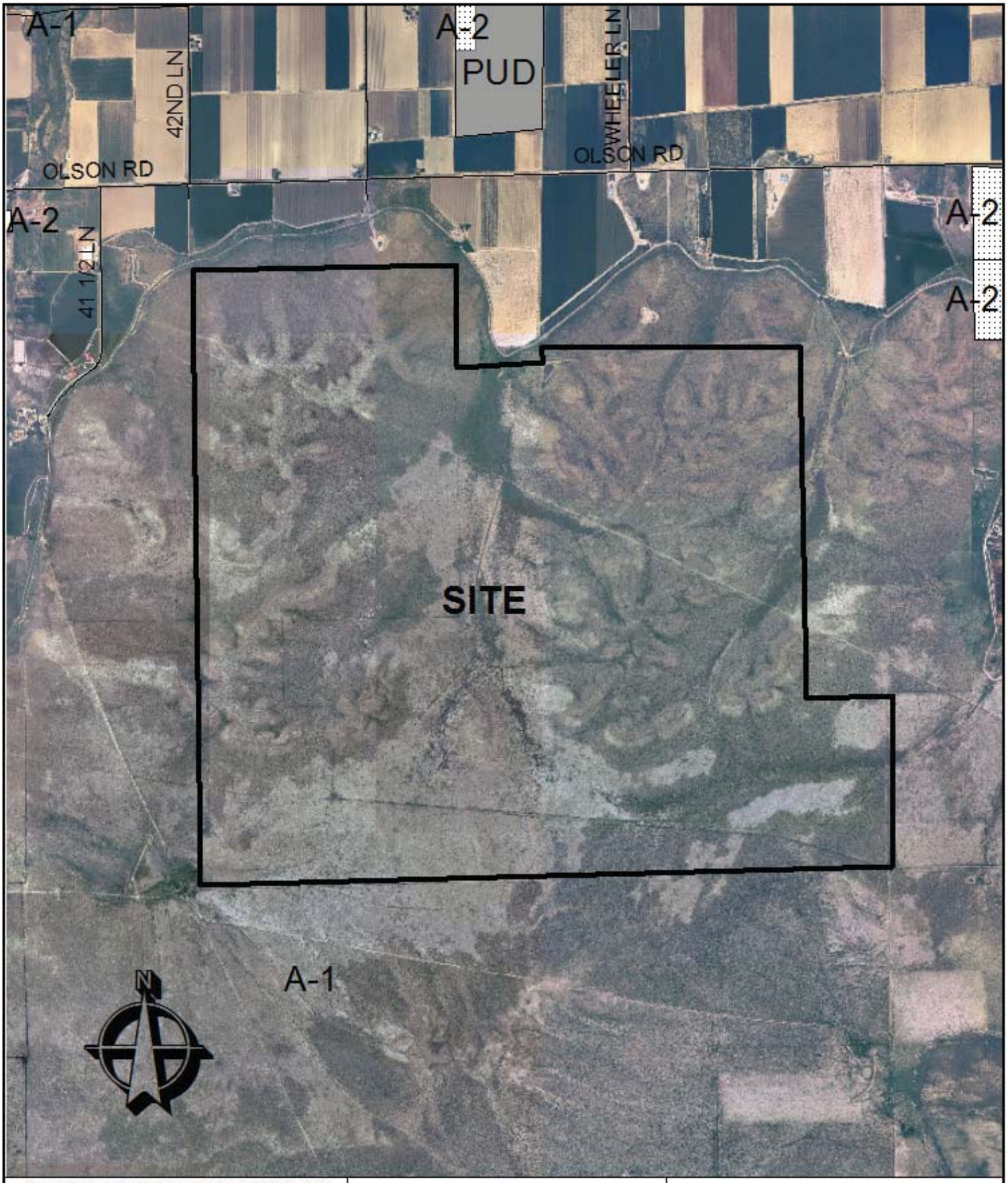


SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX INC.
(APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
C/O ANGELA BELLANTONI
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

VICINITY MAP

0 875 1,750 3,500 5,250 7,000 Feet

PCPC EXHIBIT
NO. 1
12-18-2012



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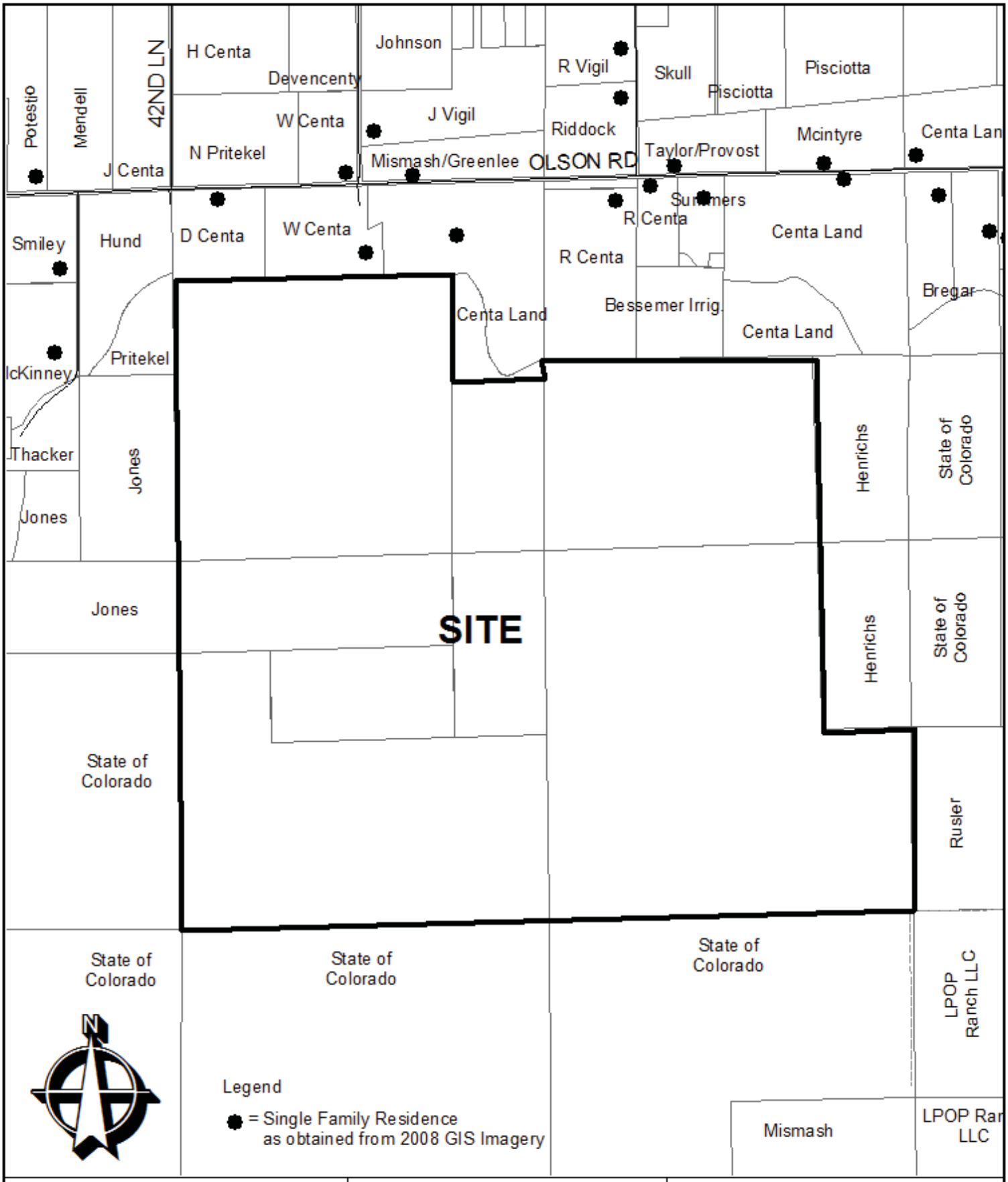
STAFF REVIEW 12-5-2012

LAND USE AND ZONING MAP

0 500 1,000 2,000 3,000 4,000 Feet

PCPC EXHIBIT
NO. 2
12-18-2012



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C/O ANGELA BELLANTONI
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

ADJACENT OWNERS

0 475 950 1,900 2,850 3,800 Feet

PCPC EXHIBIT
NO. 2a
12-18-2012

November 12, 2012

Pueblo County
Department of Planning and Development
229 West 12th Street
Pueblo, Colorado 81003-2810

RE: Fremont Paving & Redi-Mix Inc.
Special Use Permit Application for 44th Lane Project

To Whom It May Concern:

Please accept this letter and documentation as formal notice of application from Fremont Paving & Redi-Mix Inc. for Special Use Permit (SUP) to extract and process natural deposits of gravel to produce construction material on property owned by State of Colorado, Pritekel Brothers Farms LLC and Danny and Cindy Henrichs, located south of Olson Road, southwest of Avondale, Colorado.

The following information is provided in Table 1 along with parcel numbers and recorded ownership document reference. Table 1 is also included in Exhibit A containing recorded property ownership documents.

The **property owners** of record are as follows:

Pete Milonas
State of Colorado
1127 Sherman Street, Suite 1280
Denver, Colorado 80203
303-866-3454 ext 3324

Danny J and Cindy L. Henrichs
49707 East Highway 50
Avondale, Colorado 81022
719-469-4107

Bob Pritekel
Pritekel Brothers Farm LLC
39291 Nicholson Road
Pueblo, Colorado 81006
719-248-2700

PCPC
EXHIBIT NO.
3a
11-13-2012

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

Environmental Alternatives Inc.
1107 Main Street, Cañon City, CO 81212
www.envalternatives.com • e-mail: eai@bresnan.net
Phone: 719-275-8951 • Fax: 719-275-1715

Mineral rights owners of record are as follows:

Pete Milonas
State of Colorado
1127 Sherman Street, Suite 1280
Denver, Colorado 80203
303-866-3454 ext 3324

Danny J and Cindy L. Henrichs
49707 East Highway 50
Avondale, Colorado 81022
719-469-4107

Bob Pritekel
Pritekel Brothers Farm LLC
39291 Nicholson Road
Pueblo, Colorado 81006
719-248-2700

Current surface lessee for grazing is as follows:

Danny J and Cindy L. Henrichs
49707 East Highway 50
Avondale, Colorado 81022
719-469-4107

Lessee and operator of project are as follows:

John Paul Ary
Fremont Paving & Redi-Mix Inc
P.O. Box 841
Cañon City, Colorado 81212
719-275-1280

The applicant is as follows:

John Paul Ary
Fremont Paving & Redi-Mix Inc
P.O. Box 841
Cañon City, Colorado 81212
719-275-1280

The applicant's representative is as follows:

Angela Bellantoni
Environmental Alternatives Inc.
1107 Main Street
Cañon City, Colorado 81212
719-275-8951

Activities at the proposed site will include extraction with front end loaders retrofitted with "white sound" back up alarms in compliance with MSHA, screening, crushing, stockpiling and reclamation. The temporary scale house will serve as site office.

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
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STAFF REVIEW 12-5-2012

PCPC
EXHIBIT NO.
3a cont'
11-13-2012

44th Lane Project will be a surface mine extracting gravel. Natural gravel reserves are present in the top approximate 15 to 20 feet of the mesas. No explosives will be necessary during mining.

Fremont Paving met with area neighbors regarding view shed protection measures for north and west facing mesas. The Undisturbed View Shed Buffer Area depicted on the Mining and Processing Site Map represents approximately 100 acres. The south and eastern boundary of the buffer area will be staked prior to commencement of excavation. The undisturbed north and west facing mesas will also serve as noise and dust barrier for area neighbors.

The target gravel reserves are owned by the State of Colorado, Pritekel Brothers Farm LLC and Dan and Cindy Henrichs. The northwest portion of the proposed project is a severed estate with Pritekel Brothers Farm LLC as surface owner and State of Colorado as mineral owner. The proposed permit boundary will include South ½, NW ¼ and West ½ of the NE ¼ of Section 30 and the Southwest ¼ and the West ½ of the SE ¼ of Section 19, Township 21 South, Range 62 West and Section 25 and the South ½, South ½ of the NW ¼, SW ¼ of the NE ¼ of Section 24, Township 21 South, Range 63 West (approximately 1952 acres). Because target reserve includes only mesas, affected area will be less than 500 acres.

The project entrance will be constructed approximately ¾ mile west of the Olson Road and Avondale Boulevard intersection, approximately two miles south of Avondale. Present zoning is A-1 (Figure 1) and present land use is vacant land and cattle grazing. Surrounding zoning is A-1 and land uses include vacant land, residential, farming, grazing, and other agricultural uses.

The proposed post-reclamation land use is rangeland. According to Pueblo's Comprehensive Plan, the proposed site is located in the Future Land Use area Rural/Ranch, which recommends limited residential and commercial development to preserve open space and not increase impact on public services. Mining makes little if any demand on public services including water, sanitation and, in this case, public roads. The proposed site is currently of limited agricultural productivity due to large amount of gravel in surface material. Reclamation will improve vegetative cover thus increase productivity.

The Natural Resources Conservation Service (NRCS) representative Rich Rhoades visited the site in May 2001 followed by the report dated May 14, 2001 (Exhibit B). When Mr. Rhoades was contacted for any changes to the 2001 report, he stated the report still represented the area of interest. Beth Campbell of Turkey Creek Conservation District visited the site on September 18, 2012 followed by the October 9, 2012 report (Exhibit C) stating noxious weeds were not present and recommending best management practices during reclamation. Reclamation will be performed in accordance with NRCS and Turkey Creek Conservation District recommendations including monitoring for noxious weeds.

Existing structures include agricultural fences, Colorado Interstate Gas high pressure gas line requiring a 40 ft setback and an Xcel transmission power line requiring a 75 ft radial setback from power poles. The operation will require construction of an access road that will be reclaimed. All other structures, including the scales and scale house will be temporary.

Environmental A s Inc.
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www.envalternatives.co esnan.net
Phone: 719-2 275-1715

Colorado Division of Wildlife (DOW) and Colorado Natural Heritage Program (CNHP) were both solicited for wildlife impact mitigation recommendations. A telephone discussion followed receipt of DOW's September 2, 2012 correspondence (Exhibit D) on September 17, 2012 with Mr. Trujillo, DOW Area Wildlife Manager, which included DOW commitment to provide GPS coordinates of the Golden Eagle nest in order to delineate the appropriate setback and DOW relinquish of operating limitation caused by the burrowing owl because of the Undisturbed View Shed Buffer Area. On October 14, 2012, (Exhibit E) DOW responded with prairie dog colony and potential burrowing owl accepted mitigation measures. The applicant will commence prairie dog removal as recommended by DOW prior to March 14th. The seasonal required setbacks from the eagle's nest will be respected and are included on the Mine Plan map.

CNHP database search report (Exhibit F) for threatened and endangered species was received August 31, 2012. Sensitive wildlife in the area includes the Arkansas Darter, the plover, the tern and a Cassin's sparrow. The sparrow is not a sensitive species according to the report. The remaining identified wildlife is near or in aquatic habitat, not present in the vicinity of the project area.

Detailed site development is provided for Phases 1 and 2. The process area, including stockpiles and employee parking, will cover approximately ten acres. Active mining will be limited to no more than 25 acres at any one time in addition to the processing area. Phase I, Section 25, contains only one mesa of interest, less than 100 acres. Phase 2 will include two gravel mesas in Section 24. Even though the mesas are larger in Section 24 than in Section 25, the north and west facing mesa faces will remain intact in order to preserve the view shed of Pueblo County residents; therefore mining will affect less than 100 acres. The estimated life of mine is 10 to 20 years depending on market demand.

Project acreage distribution is as follows:

Area Description	**Acres**
Phase 1	78.2
Phase 1 Processing and Stockpile Area	10.0
Phase 1 On-Site Haul Road	6.7
Phase 1 Total	**94.9**
Phase 2	77.1
Phase 2 Processing and Stockpile Area	10.0
Phase 2 On-Site Haul Road	5.3
Phase 2 Total	**90.4**

Normal hours of operation are anticipated from 6 am to 7 pm, five days per week during the summer construction season. Operating hours may extend to Saturdays if a government project or emergency demands. During winter months, hours will be reduced to 7 am to 5 pm, five days per week when in operation. Economic conditions may result in seasonal shut down during the winter. Up to six employees will operate the site during one shift per day. Because mining is proposed within normal daylight hours, the applicant respectfully requests a waiver of an Outdoor Lighting Plan per Section 17, 120.180 of the Pueblo County Code.

Environmental Alter ... nc.
1107 Main Street, ... 212
www.envalternatives.com • e- ... .net
Phone: 719-275-895 ... 715

The haul route will be a posted private road from the processing site to Highway 50 west of Avondale. A minimum of 100 feet of the haul road will be paved at the intersection with Olson Road both northward and southward. The haul road entrances at both Hwy 50 and Olson Road will include a vehicle tracking device. The private road will be gated at Olson Road to limit use only to project traffic. Truck crossing signage will be posted on Olson Road as requested by Pueblo County. The haul road will be modified as directed by Pueblo County and maintained as project development requires. An average of 50 loads of gravel will be hauled per day during the summer construction season. During winter months, an average of 20 loads will be hauled from the site. Hauling will occur over the course of 8 hours per day which allows approximately 2.5 trucks per hour.

Pueblo School District 70 has many bus routes in the area. Based on the District 70 bus route website, two bus route maps were developed; a morning route map (Exhibit G) and an afternoon route map (Exhibit H). To increase school bus awareness of truck drivers and employees, bus crossing signs will be posted at both Olson Road and Hwy 50 that include anticipated school bus crossing times. Drivers will be instructed to take extra caution crossing the intersection during posted school bus times. Both maps were presented to Mr. Smith, Superintendent of District 70, via email on September 24, 2012 (Exhibit I) and followed with a phone message on October 1, 2012. As of this date, Mr. Smith has not responded to our request for input. Summer is the most active construction season, when schools are not in session and bus traffic is minimal.

Fugitive dust will be controlled by posting vehicle speed limit signs at 10 miles per hour, water spray application to active extraction faces and stockpiles using a water truck, application of tacifier on haul roads and temporary seeding stockpiles that are anticipated to exist for longer than one year. These air quality control measures will be incorporated into the Colorado Department of Public Health and Environment, Air Pollution Control Division air pollution permit and fugitive dust plan.

Stormwater management will be in accordance with Colorado Department of Public Health and Environment, Water Quality Control Division. Best management practices will include perimeter berms to direct any surface flow in contact with mining operations into stormwater detention ponds where percolation will occur within 72 hours.

Water will be hauled to the site as necessary for fugitive dust control and employee use. Water will be provided to the site in a 6500 gallon water truck with water purchased from Board of Water Works of Pueblo. The commitment letter from Pueblo Water Works is provided as Exhibit J.

Sanitation services will be provided by temporary port-a-let facility. Waste Connections of Colorado commits to providing service at the project site (Exhibit K).

Environmental Alte nc.
1107 Main Street 1212
www.envalternatives.com • e-mail: eai@bresnan.net
Phone: 719-275-8951 • Fax: 719-275-1715

The following agencies require permits to conduct mining. Upon Pueblo County's approval of the land use, applications will be immediately prepared and submitted.

Permit/License	Address
Division of Reclamation, Mining and Safety 112 Permit	DRMS 1313 Sherman Street, Room 215 Denver, Colorado 80203
Colorado Department of Public Health and Environment Air Pollution Control Division Fugitive Dust Permit and Plan	CDPHE APCD-B1 4300 Cherry Creek Drive South Denver, Colorado 80222-1530
Colorado Department of Transportation Access Permit	CDOT Region 2- Engineering P.O. Box 536 905 Erie Ave. Pueblo, Colorado 81002
Colorado Department of Public Health and Environment Water Quality Control Division Storm Water Discharge Permit and Plan	CDPHE WQCD-PE-B2 4300 Cherry Creek Drive South Denver, Colorado 80222-1530

Source of legal right to enter is provided as executed lease agreements and memorandum of easement agreement (Exhibit M).

Special districts providing services to the site and vicinity:

- Xcel Energy,
- Colorado Interstate Gas
- St. Charles Mesa Water District
- Bessemer Irrigation Ditch Company
- Turkey Creek Conservation District
- Pueblo County Rural Fire District
- Boone Volunteer Fire District
- East Avondale Water District

Please contact me directly at 719-275-8951 with any questions or request for more information.

Respectfully submitted,

Angela M. Bellantoni

PCPC
EXHIBIT NO.
3a cont'
11-13-2012

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

Environmental Alternatives Inc.
1107 Main Street, Cañon City, CO 81212
www.envalternatives.com • e-mail: eai@bresnan.net
Phone: 719-275-8951 • Fax: 719-275-1715

From: Angela Bellantoni
To: Jimenez-Garcia, Dominga; denise@cpucorp.net; johnpary@cpucorp.net
Subject: FW: Special Use Permit No. 2012-012
Date: Tuesday, December 04, 2012 1:43:11 PM

Oops. Map was too big.

Angela

From: Angela Bellantoni [mailto:eai@bresnan.net]
Sent: Tuesday, December 04, 2012 1:20 PM
To: 'Jimenez-Garcia, Dominga'
Cc: 'Denise Gonzales'; 'John Paul Ary'
Subject: RE: Special Use Permit No. 2012-012

Dominga

My goal was one email with all responses

1. Attached is the modified Haul Route map with signage proposed at both McHarg Road and Hwy 50. Signage is proposed but will be changed as necessary according to recommendations from Pueblo Public works and CDOT as the projects comes to reality. We've checked the bus route website and called Dave Benbow regarding the sign recommendations and crossing McHarg Road.
2. Seasonal operations are anticipated as summer months including April thru October and winter months including November thru March.
3. The applicant respectfully requests to haul aggregate during operating hours. Please disregard the limitation to haul only 8 hours per day.
4. The DRMS 112 Permit application requires a Damage Compensation Agreement with all parties owning structures within 200 feet of the affected area. Not knowing the exact location of this ditch and culvert, but if it is within the 200 foot limit, the agreement will specifically state any damage to the structure caused by mining, including hauling, will be the responsibility of the permit holder to correct and/or repair.
5. Yes, the applicant commits to dust control coating on the haul road.

Thank you. If you have further questions, just let me know.

Angela

From: Jimenez-Garcia, Dominga [mailto:jimenezd@co.pueblo.co.us]
Sent: Tuesday, December 04, 2012 10:00 AM
To: Angela Bellantoni
Subject: FW: Special Use Permit No. 2012-012

If you have any comments you want me add at this time regarding the District's comments, you can send them to me via e-mail.

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

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EXHIBIT NO.
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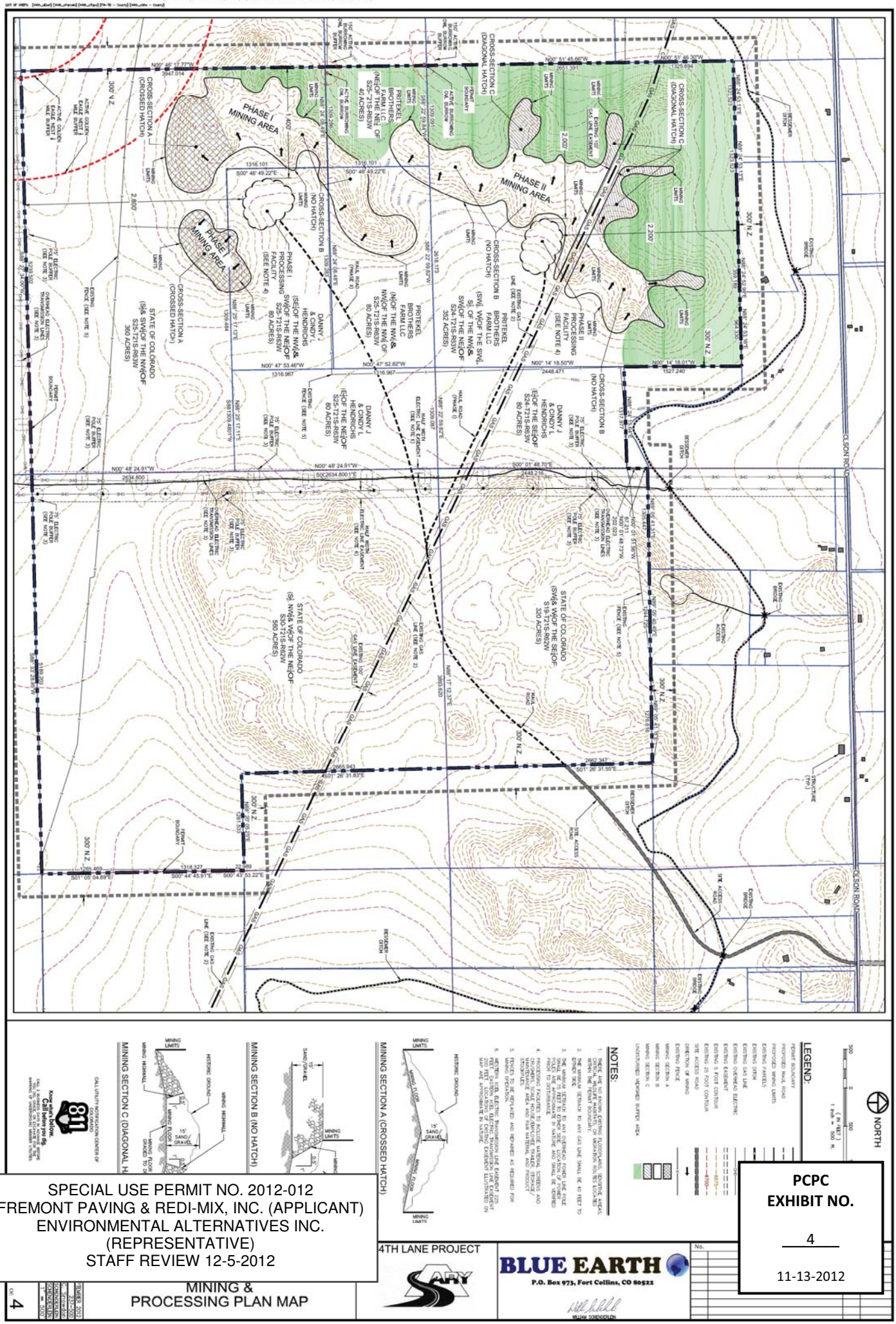
11-13-2012



SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

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LEGEND:

- PERMIT BOUNDARY
- EXISTING PARCELS
- EXISTING DITCH
- EXISTING GAS LINE
- EXISTING OVERHEAD ELECTRIC
- EXISTING FENCE
- SITE ACCESS ROAD
- EXISTING EASEMENT
- EXISTING 5 FOOT CONTOUR
- EXISTING 25 FOOT CONTOUR
- EXISTING STRUCTURE
- EXISTING BRIDGE LOCATION

1 inch = 1000 ft.

NOTES:

1. THERE ARE NO KNOWN EXISTING FLOODPLAINS, SENSITIVE AREAS, CRITICAL WILDLIFE HABITATS, OR MIGRATION ROUTES LOCATED WITHIN THE PERMIT BOUNDARY.
2. THE MINIMUM SETBACK TO ANY GAS LINE SHALL BE 40 FEET TO EITHER SIDE.
3. THE MINIMUM SETBACK TO ANY OVERHEAD POWER LINE POLE SHALL BE 75 FEET TO EITHER SIDE.

CALL UTILITY NOTIFICATION CENTER OF COLORADO

811 Know what's below. Call before you dig.

CALL 811 AT LEAST 2 BUSINESS DAYS BEFORE YOU BEGIN MARKING OF UNDERGROUND MEMBER UTILITIES

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

44TH LANE PROJECT

BLUE EARTH
P.O. Box 973, Fort Collins, CO 80522

No.

HAUL ROUTING MAP

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EXHIBIT NO.
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MEMORANDUM OF EASEMENT AGREEMENT

This Memorandum of Easement Agreement is agreed to by and between BL&KJH, LLC, hereinafter referred to as "Grantor", whose address is 36540 South Road, Pueblo, CO 81006 and Fremont Paving & Redi Mix, Inc., a Colorado Corporation, hereinafter referred to as "Grantee", whose address is 839 MacKenzie, Canon City, CO 81212.

1. By a certain Easement Agreement dated August 6, 2010, as amended, hereinafter referred to as the "Easement Agreement" between Grantor and Grantee, Grantee has acquired an easement across and for the use of the following described property:

   A tract of land 60 feet wide and 2754 feet long in Blocks 62 and 69 of the Frederica Mesa Subdivision, Township 21 South, Range 62 West, in Pueblo County, Colorado beginning in the NE corner of Block 62 southward along the east boundary of Blocks 62 and 69 to the SE corner of Block 69; then southwestward along the south boundary of Block 69 a distance of 60.18 feet; then northward thru Blocks 62 and 69 to the north boundary of Block 62; then eastward along the north boundary of Block 62 to the point of beginning, approximately 3.8 acres.

2. As set forth in the Easement Agreement, the parties agree to record this Memorandum of Easement Agreement together with a legal description of the actual easement and right of way acquired and to be used by Grantee, which is attached hereto as Exhibit A, and as more fully set forth in the Easement Agreement.

3. The term of the Easement Agreement is twenty (20) years commencing on _____, 2012.

4. There are specific and certain terms and conditions set forth in the Easement Agreement granted to Grantee which the parties agree are binding and enforceable as set forth in said Easement Agreement.

IN WITNESS WHEREOF, this Memorandum of Easement Agreement is executed this 5th day of October, 2012.

BL&KJH, LLC

By: Bert Hartman, its managing member.

Fremont Paving & Redi-Mix, Inc.

By: _____, its President.

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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VERIFICATION

State of Colorado

County of Pueblo

Subscribed and sworn to before me this 5th day of October, 2012, by Bert Hartman, personally, as the managing member of BL&KJH, LLC.

Denise Gonzales

Notary Public

NOTARY PUBLIC
Denise Gonzales
STATE OF COLORADO

Commission expires 2/14/2014

State of Colorado

County of Pueblo

Subscribed and sworn to before me this 5th day of October, 2012, by John P. Ary, personally, as the President of Fremont Paving & Redi-Mix, Inc..

Denise Gonzales

Notary Public

NOTARY PUBLIC
Denise Gonzales
STATE OF COLORADO

Commission expires 2/14/2014

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

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6 cont'

11-13-2012

Henrichs Cattle
Dan and Cindy Henrichs
49707 US Hwy. 50 East
Avondale, CO 81022

June 25, 2010

Bessemer Irrigating Ditch Company
503 North Main, Suite 216
Pueblo, CO 81003

Dear Sirs:

We are writing and requesting a permit to place a bridge over the Bessemer Ditch just west of head gate 71. We have reached agreement with Tom and Nancy Bregar of 46500 Olson Rd Avondale, CO 81022 for access to our property located south of the Bessemer Ditch. We will need to know all fees associated the permit and the requirements for clearance to adequately pass high water. We want to construct a bridge what will accommodate semi cattle trucks, and would like start building after the water is turned out in November of 2010. We will be happy to allow the Bessemer Ditch company to use the bridge when completed. We look forward to working with Mr. Hill to ensure that all our needs are met.

Sincerely,

Dan Henrichs Dan Henrichs Cindy Henrichs Cindy Henrichs

Tom Bregar Tom Bregar Nancy Bregar Nancy L Bregar

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

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Bessemer Irrigating Ditch Company

CROSSING AGREEMENT

THIS EASEMENT AGREEMENT made and entered into this 12th day of August 2010, by and between **Bessemer Irrigating Ditch Company**, hereinafter cal Grantor, and Mr. Danny J. Henrichs and Mrs. Cindy Henrichs, hereinafter Grantee.

WITNESSETH:

WHEREAS, Grantor is the owner of that certain irrigation ditch system known as the Besse Irrigating Ditch Company hereinafter the "ditch", located in Pueblo County, Colorado; and

WHEREAS, Grantee has desires to construct a BRIDGE, across the ditch at location and in tl manner as shown on the drawings marked Exhibit A hereto attached and by this reference made p hereof. Said Exhibit A consists of One (1) sheet(s); and

WHEREAS, Grantor is willing to grant the easement desired by Grantee.

NOW, THEREFORE, in consideration of the agreements of Grantee to be performed hereun and upon the conditions and for the period herein stated Exhibit B, Grantor does grant to Grantee, successors and assigns, an easement to construct, install, maintain, alter, repair, operate and remo BRIDGE across the ditch at the specific location and in the manner designated and referred to in th applicable sheet of Exhibit A.

Grantee agrees not to commence construction or repair of said BRIDGE without first havin obtained the consent and approval thereof the Board of Directors.

It is understood that this instrument shall grant to Grantee only such rights as Grantor may grant.

In repairing, maintaining or removing said BRIDGE Grantee shall do so in such manner as n damage said ditch or the embankments thereof and so as not to interfere with the flow of water in ditch. Any and all excavations made shall be immediately leveled off, and any damage to the ditch be repaired at the expense of Grantee.

Grantee agrees that it will at all times maintain said BRIDGE and repair all breaks, leaks and damages therein and thereto at its own expense and further that, if, by reason of any break, leak o damage in and to the BRIDGE injury to the property of Grantor is sustained. The Grantee will, with due diligence, repair and replace such property of Grantor in the same condition as the same was i prior to such break, leak or damage in and to the said BRIDGE and will pay for any and all damages resulting from such break, leak or damage sustained or incurred by Grantor or its stockholders or w users.

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
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Grantee futher agrees that, if at any time the BRIDGE causes any settling in the ditch embankments, the roads thereon, or any part of the ditch, it will, upon notification from Grantor, immediately make all repairs required by Grantor at Grantee's expense.

Grantee further agrees to indemnify and hold harmless Grantor, its successors, assigns, employees, agents and stockholders on account of any damage or loss sustained by them or any of them arising by reason of laying, construction, maintenance or removal of said BRIDGE.

Grantee agrees to protect Grantor and hold it harmless from any and all third party claims and damages that said Grantee and its operation, construction, maintenance and removal may directly or indirectly cause; and Grantee hereby releases Grantor its successors, assigns, employees, agents and stockholders from any and all claims and damages of whatsoever character to said BRIDGE or other property of Grantee located in, along or across said ditch arising out of either the operation or maintenance of said ditch or other portions of the Bessemer Irrigating Ditch Company irrigation system or resulting from any other act either on the part of Grantee or on the part of the Third Party.

The rights of way herein granted to Grantee shall continue so long and only so long as Grantee, its successors and assigns, shall faithfully and promptly comply with the provisions herein stated.

Grantee agrees to pay Grantor a crossing fee of (No Charge) upon execution of this crossing agreement.

It is mutually understood and agreed that this Agreement and all the terms and conditions hereof shall extend to and be binding upon the parties hereto, their successors and assigns, and shall be recorded in the office of the Pueblo County Clerk and Recorder.

Executed the day and year first written above.

Bessemer Irrigating Ditch Company

Michael S. Hill, Secretary-Treasurer

By:_____

ATTEST:

By:_____

Mr. Danny J. Henrichs

By:_____

Mrs. Cindy Henrichs

By:_____

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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8 cont'

11-13-2012

The foregoing instrument was acknowledged before me this 16 day of Oct 2012 by S. Hill for the Bessemer Irrigating Ditch Company.

WITNESS my hand and official seal.

My Commission Expires: 10/17/12

Seal

Notary Public

STATE OF COLORADO)

SS.

COUNTY OF)

The foregoing instrument was acknowledged before me this 15th day of October 2012 by Mr. Danny J. Henrichs Mrs. Cindy Henrichs for Mr. Danny J. Henrichs and Mrs. Cindy Henrichs.

WITNESS my hand and official seal.

My Commission Expires: 11-16-2014

Seal

Notary Public

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

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EXHIBIT NO.

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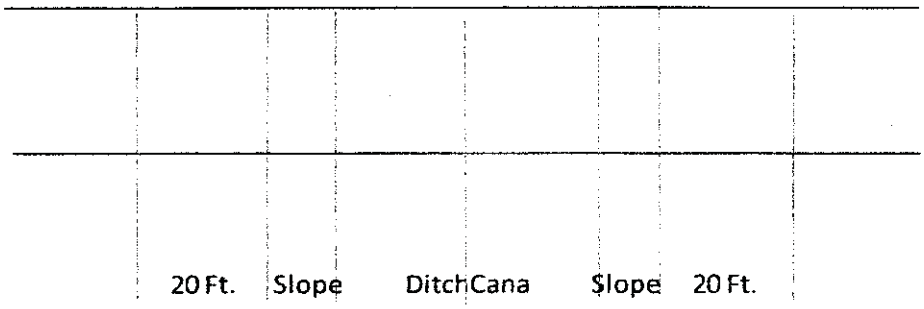

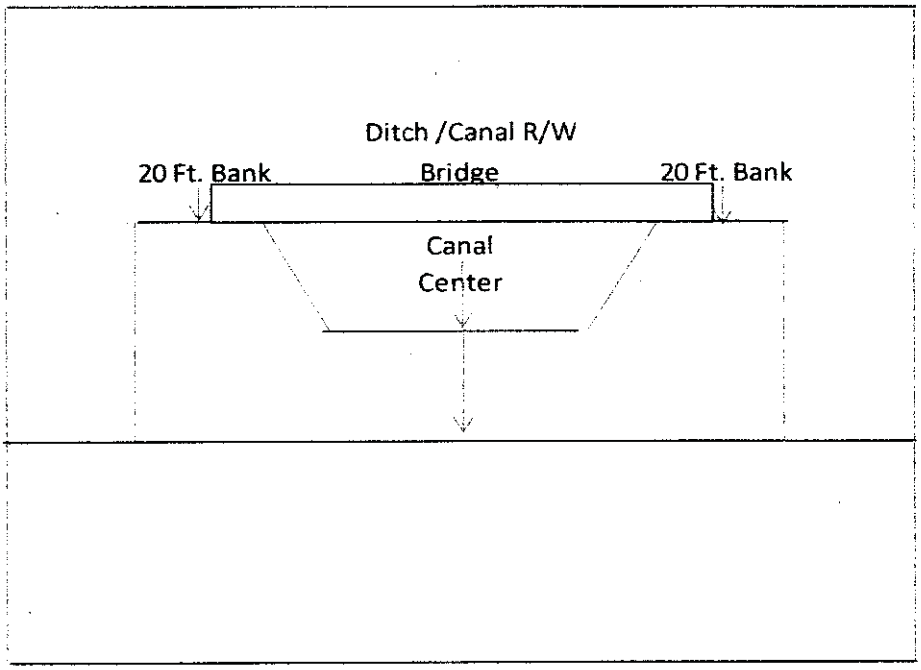

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

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EXHIBIT NO.

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Grantor, and Grantee agree to the following stipulations that are made ı
ent.

Grantee agrees to install said Bridge across the Bessemer Irrigating Ditcl
the work to be done during the period between November 17, 2010 to I

Grantee will provide Grantor a 48 hour advanced notification prior to co

Grantee is solely responsible to compensate any adjacent landowners fc
livestock, or crops, if said damages are caused as a direct result of Grant
work.

Grantee agrees that any delay for the ditch to be out of service during tl
March 15th through November 15th of any given year, the Grantee will
plus compensation to farmers downstream from the construction area t
crops.

Grantee agrees to restore the area to at least as good a condition as pric
performed.

Grantee agrees should the Bessemer Canal be damaged or a leak create
construction activities, Grantee will be held liable for all repairs.

Bottom of the Bridge will be constructed no lower than the top of the Di

Approach on each end of the Bridge needs to be blended with ditch roac
not affect any travel on the ditch right of way.

Grantee grants Grantor permission to use the Bridge.

Bridge will be constructed between Lateral's #70 and #71.

Construction of Bridge will be built to the Ditch Company's Superintende
direct supervision.

November 26, 2012

Dominga Jimenez-Garcia
Pueblo County
Department of Planning and Development
229 West 12th Street
Pueblo, Colorado 81003-2810

RE: Fremont Paving & Redi-Mix Inc.
Special Use Permit Application for 44th Lane Project

Dear Ms. Jimenez-Garcia

In an agreement dated 6-25-10, I, Dan Henrichs, was granted permission from Tom and Nancy Bregar, property owners, to cross the Bessemer Irrigating Ditch on property owned by Mr. and Mrs. Bregar. This crossing allows access to property used for cattle grazing both privately held and leased from the State of Colorado.

In an agreement dated August 12, 2010, Bessemer Irrigating Ditch Company granted permission to construct a bridge across the irrigation ditch.

I, Dan Henrichs, grant Fremont Paving & Redi-Mix Inc. permission to construct the bridge and use the bridge to access 44th Lane Project for the life of the project.

Respectfully submitted,

Danny J. Henrichs

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FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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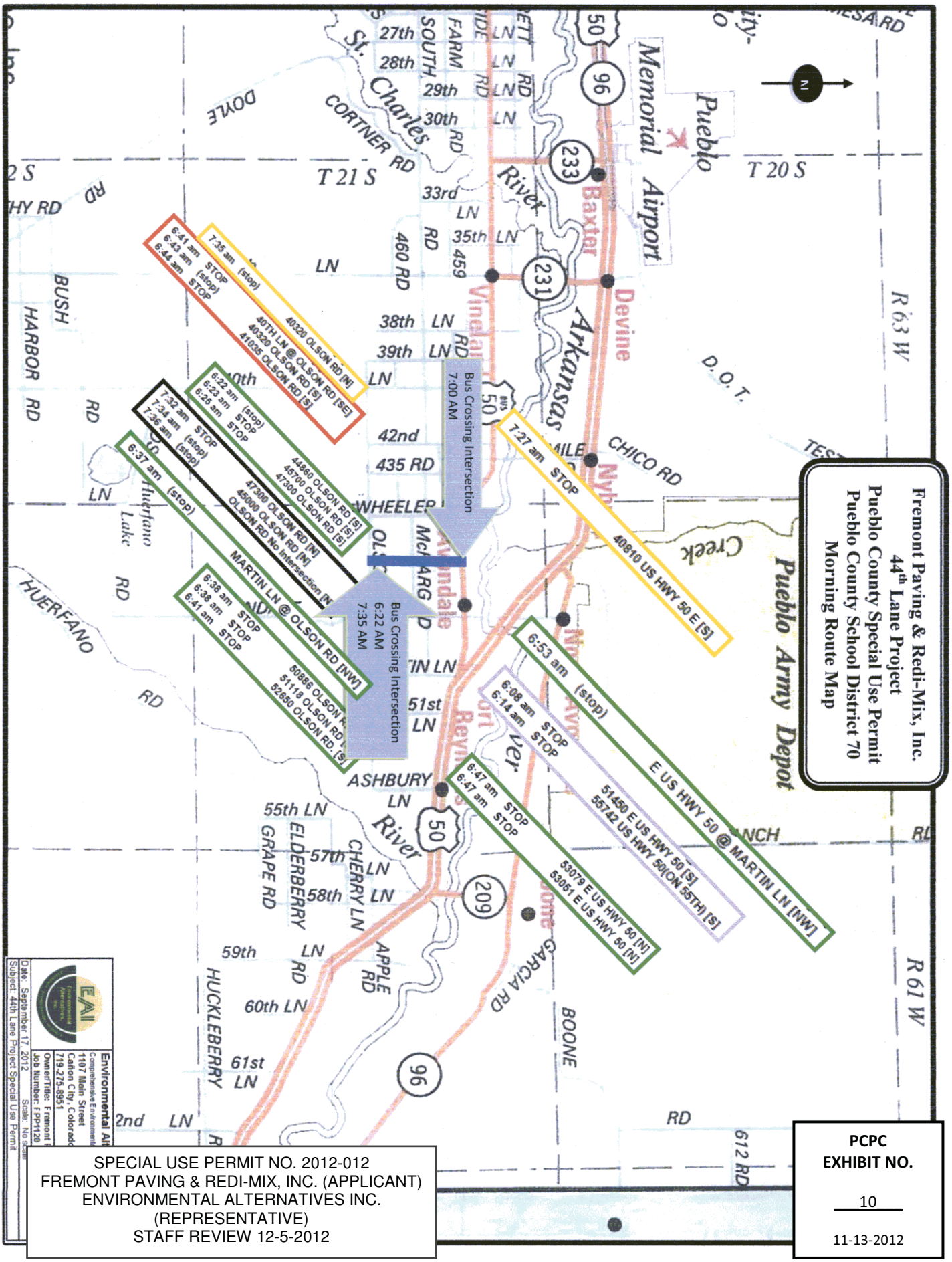

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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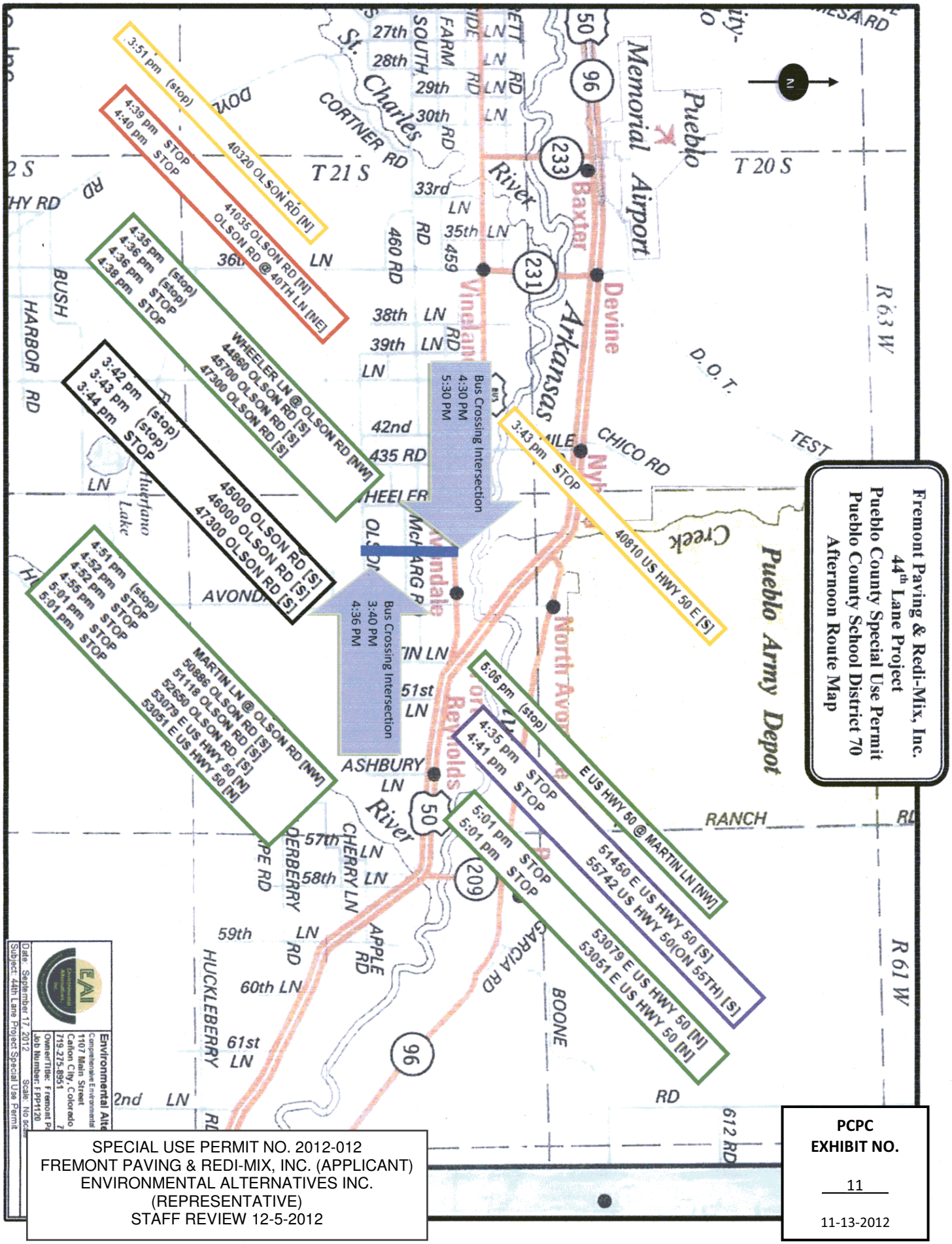

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

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COLORADO PARKS & WILDLIFE

Pueblo Office
600 Reservoir Road • Pueblo, Colorado 81005
Phone (719) 561-5300• FAX (719) 561-5321
wildlife.state.co.us • parks.state.co.us

September 2, 2012

Angela Bellantoni
Environmental Alternatives Inc.
1107 Main Street
Canon City, CO 81212

RE: Fremont Paving and Redi Mix Inc. Proposal for Gravel Mine

Dear Ms. Bellantoni,

The Colorado Division of Parks and Wildlife (CPW) has been solicited to comment on the development of a gravel mine for the purpose of extracting sand and gravel. The CPW has reviewed the information that was provided and a site visit was conducted on September 2nd, 2012 of the property directly south of Olsen Road, between 41 ½ Lane and 42nd Lane, by District Wildlife Manager (DWM) Quentin Springer.

The site, herein referred to as the Fremont Paving and Redi-Mix Gravel Mine, currently consists of upland short grass prairie typical of the Arkansas River Valley. Wildlife found in the proposed area include pronghorn, scaled quail, raptors, neo-tropical bird species, various species of small mammals as well as various species of reptiles. Currently, livestock are being grazed on the property.

Potential Impacts to Wildlife

Prairie dog colonies are of particular concern when projects are located in short-grass prairie habitats. Burrowing owls, a species of concern in Colorado, are typically found within prairie dog colonies. Federal and state laws prohibit the accidental or intentional harming or killing of burrowing owls and the destruction of active nests. At the time of his site visit, DWM Springer was fortunate enough to be allowed to enter the property and no evidence of the presence of prairie dogs was observed on the hilltops proposed for development. However, an active colony of prairie dogs is present on the property directly adjacent to the southwest of the development area. Due to the propensity for prairie dogs to expand their colonies, a more thorough evaluation of the property is warranted prior to the initiation of mining activities. CPW strongly suggests thoroughly surveying the entire property and any existing prairie dog towns for burrowing owl presence prior to construction. Additionally, CPW suggests that construction of the gravel mine be conducted when no burrowing owls are expected to be present, from November 1st to March 14th.

Please find the attached guidelines which should assist in determining if burrowing owls are present and what to do if burrowing owls are detected. These guidelines do not guarantee that burrowing owls will be detected if they are present. However, adherence to these guidelines will

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
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STATE OF COLORADO
Mike King, Executive Director, Department of Natural Resources
bles, Director, Colorado Parks and Wildlife
ission: Robert W. Bray • Chris Castilian • Jeanne Horne
aspar Perricone • James Pribyl • John Singletary, Chair
• James Vigil • Dean Wingfield • Michelle Zimmerman
Members: Mike King and John Salazar

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11-13-2012

greatly increase the likelihood of detection and reduce the likelihood of inadvertently harming burrowing owls if they are present.

Upland short grass prairie, identical to the proposed project area, provides critical habitat for a variety of raptors which are also protected under federal and state law. Due to the lack of suitable nesting habitat on the property the potential for disturbing nests or a nesting pair of raptors would normally be negligible. However, directly to south and east of the proposed gravel mine is a major series of electrical transmission lines. An active golden eagle nest occupies one of the utility poles in the transmission lines to the south of the proposed development site. The CPW strongly encourages that the distances outlined in the attached "Raptor Buffer Zone Guidelines" be adhered to avoid disturbing a nesting pair, in the likely event that they return to this nest.

Weed Management and Seed Mix

In your request for our concerns about the impacts to wildlife, and for a suggested reclamation seed mix there was no mention of a weed management plan. Often, minimal attention is paid to weed control efforts that should take place on all parts of a property, especially a developed one. Non-native vegetation, such as Russian knapweed, easily becomes established in disturbed areas and roadways and can be detrimental to other more wildlife friendly native vegetation. Non-native vegetation easily becomes established on neighboring private and public properties, and often proves time and cost intensive to control if establishment is not consistently addressed. The CPW therefore, recommends that control of non-native vegetation occur regularly on all parts of the gravel mine property especially along roadways and in disturbed areas. CPW respectfully requests the opportunity to review the project's Noxious Weed Management Plan pending completion. Revegetation of disturbed areas and areas of weed infestation is important to the long-term success of the project and CPW acknowledges the potential difficulty of this undertaking.

Your request stated that the USDA has been contacted for a seed mix, CPW will defer any recommendations for a comprehensive seed mix suitable for revegetation of the given area to the USDA and NRCS. Proper reclamation, from a wildlife perspective, involves not only stabilizing the soil and establishing ground cover, but fostering plant communities with a diversity of species and plant types (grasses, broadleaf forbs, and woody vegetation) which will fully serve the nutritional and cover needs of wildlife. All reclamation seed mixes should be comprised of native seed only, suited to on-site soil types, and mirror native plant communities. All reseeding should be completed in a timely manner and should be monitored for success and noxious weed establishment. Below is a short list of grasses, shrubs and forbs that the CPW would recommend including in the finalized seed mix. USDA recommendations should surpass CPW suggestions and their seed mix prescription should be followed

Grasses: blue grama (*Bouteloua gracilis*), sideoats grama (*Boutelous curtipendula*), ring muhly (*Muhlenbergia torreyi*), sand dropseed (*sporobolus cryptandrus*)

Forbs and Shrubs: milk vetch (*Astragalus adsurgens*), sand sagebrush (*Artemisia filifolia*), skunk brush sumac (*Rhus trilobata*), fourwing saltbush (*Atriplex canescens*)

Colorado Parks and Wildlife appreciates the opportunity to comment on this and other proposed permits occurring in Pueblo County. Please call the Colorado Parks and Wildlife Pueblo Service Center at (719) 561-5300 if you have any questions.

Sincerely,

Michael Trujillo
Area Wildlife Manager
Colorado Parks and Wildlife

cc: Ed Schmal, Species Conservation Biologist.
Allen Vitt, Terrestrial Biologist
Quentin Springer, District Wildlife Manager

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

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COLORADO PARKS & WILDLIFE

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wildlife.state.co.us • parks.state.co.us

October 14, 2012

Angela Bellantoni
Environmental Alternatives Inc.
1107 Main Street
Canon City, CO 81212

RE: Fremont Paving and Redi Mix Inc. Proposal for Gravel Mine

Dear Ms. Bellantoni,

Colorado Parks and Wildlife (CPW) has been solicited to comment on the development of a gravel mine for the purpose of extracting sand and gravel. CPW reviewed the information that was originally provided and a site visit was conducted on September 2nd, 2012 of the property directly south of Olsen Road, between 41 ½ Lane and 42nd Lane, by District Wildlife Manager (DWM) Quentin Springer. On October 5th, you contacted DWM Springer and requested specific coordinates of the golden eagle nest, prairie dog colonies and a more exact description of mitigation measures that could be implemented to protect burrowing owls and golden eagles. To assist in this request you provided a second map which includes the phase development of the property with specific landscape features that can be used as a reference.

On October 8th, an additional site visit was conducted by DWM Quentin Springer and GPS points and pictures of the wildlife resources in question were taken at this time. Accompanying the original comments were attachments which outline specific measures and buffers which CPW strongly recommends in order in order to avoid negatively impacting federally protected wildlife species.

Prairie Dogs Colonies and the Potential Presence of Burrowing Owls

CPW recommends waiting to initiate activities until after November 1st or until it can be confirmed that any owls have left the prairie dog town. In addition, measures to remove prairie dogs and their colonies can be implemented after November 1st and before March 14th to ensure an adequate buffer zone between development and potentially nesting burrowing owls. If it is necessary to conduct development of the property prior to November 1st and/or after March 14th, (without taking measures to remove active prairie dog colonies from the property within that timeframe) then comprehensive surveying should be completed and careful monitoring of the activities of any owls present should be conducted. Any burrows should be carefully noted and marked. This is not easy to accomplish and will require considerable time, as the owls may use several burrows in a prairie dog town. When all active burrowing owl burrows have been located and marked, activity can proceed in areas greater than 150 feet from the burrows with little danger to the owls. Activity closer than 150 feet may endanger the owls.

Needless to say, a single point does not encompass the entire expanse of a prairie dog town. Currently, there are many burrows being used by prairie dogs in the southwest corner of the

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

STATE OF COLORADO
Mike King, Executive Director, Department of Natural Resources
s, Director, Colorado Parks and Wildlife
sion: Robert W. Bray • Chris Castilian • Jeanne Horne
spar Perricone • James Pribyl • John Singletary, Chair
James Vigil • Dean Wingfield • Michelle Zimmerman
Members: Mike King and John Salazar

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EXHIBIT NO.
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11-13-2012

proposed mine property and the burrows continue along the western boundary of the property to the north. A single GPS point was taken along the south property fence of the proposed mine property at UTM zone 13S easting 0552123 x northing 4227950. Additionally, a single GPS point along the west property fence was taken at UTM zone 13S easting 0552154 x northing 4227565. Again, these points are provided as a reference only and are not meant to imply that they encompass the entire extent of the property currently occupied by prairie dogs.

Golden Eagle Nest

The attachment to the original comments titled "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" outline specific guidelines to avoid negatively impacting nesting golden eagles. CPW strongly suggests these recommendations be implemented to ensure that nesting golden eagles are not negatively impacted by the proposed mining activity. It states that "no surface occupancy (beyond that which historically occurred in the area) within ¼ mile radius of active nests. Seasonal restriction to human encroachment within ½ mile radius of active nests from December 15th through July 15th" should occur.

A single GPS point was taken at UTM zone 13S easting 0551766 x northing 4226326 at the base of the utility pole that houses the golden eagle nest to the south of the property. From this point the seasonal and surface occupancy recommendations may prove restrictive, especially in the Phase II Mining Area from December 15th through July 15th. However, from the map provided, it is impossible to accurately predict if the mining boundary limits will conflict with the distance recommendations. CPW suggests that a professional surveyor would be able to accurately ascertain and mark the exact mining and surface occupancy limit from the given location of the golden eagle nest.

Pictures of the fence, prairie dog colony, golden eagle nest, and utility pole accompany this letter. CPW hopes that these additional comments are helpful in assessing the wildlife resources of the property. Colorado Parks and Wildlife appreciates the opportunity to comment on this and other proposed permits occurring in Pueblo County. Please call the Colorado Parks and Wildlife Pueblo Service Center at (719) 561-5300 or District Wildlife Manager Quentin Springer at (719) 565-9562 if you have any questions.

Sincerely,

Michael Trujillo
Area Wildlife Manager
Colorado Parks and Wildlife

cc: Ed Schmal, Species Conservation Biologist.
Allen Vitt, Terrestrial Biologist
Quentin Springer, District Wildlife Manager

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

PCPC
EXHIBIT NO.
14 cont'
11-13-2012

SPECIAL USE PERMIT NO. 2012-012

Exhibit 15a

"Looking southeast at the general area of the site from the intersection of Olson Road and 42nd Lane"

Exhibit 15b

"Looking west at Olson Road"

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

PCPC
EXHIBIT NO.

15a & 15b

11-13-2012

SPECIAL USE PERMIT NO. 2012-012

Exhibit 15c
"Looking south at general area of the site."

Exhibit 15d
"Looking east down US Highway 50 toward Avondale."

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

PCPC
EXHIBIT NO.

15c & 15d

11-13-2012

BEFORE THE MINED LAND RECLAMATION BOARD, STATE OF COLORADO

CERTAIN OBJECTORS WITNESS AND EXHIBIT LIST

IN THE MATTER OF FREMONT PAVING & REMI-MIX INC.'S PUEBLO COUNTY AGGREGATE PROJECT APPLICATION (File No. M-2016-009)

Objectors, Hobbs Family Farm, Rusler Produce, Inc., Kelly G. Bond, Jason and Tina Potestio, and Michael and Velma Rinks, submit their Witness and Exhibit List as follows:

I. Witness List.

The Objectors may call the following witnesses at the hearing:

1. Tom Rusler
   PO Box 69
   Avondale, Co 81022

Mr. Rusler is a farmer under the Bessemer Irrigation Ditch and may testify to impacts to the Bessemer Ditch that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application. Mr. Rusler may also testify to health and safety concerns related to the of approval of Fremont Paving & Remi-Mix Inc.'s Application.

2. Dan Hobbs
   PO Box 411
   Avondale, Co 81022

Mr. Hobbs is a farmer under the Bessemer Irrigation Ditch and may testify to impacts to the Bessemer Ditch that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application. Mr. Hobbs may also testify to health and safety concerns related to the of approval of Fremont Paving & Remi-Mix Inc.'s Application as well as flooding in the Avondale area as a result of rain events over the Badger Hills.

3. Bill or Bob Beamon
   47007 Olson Rd
   Avondale Co 81022

Mr. Beamon is a farmer under the Bessemer Irrigation Ditch and may testify to health and safety concerns related to the approval of Fremont Paving & Remi-Mix Inc.'s Application. Mr. Beamon may also testify to the history of the area around the proposed mine site.

4. Michael Rinks
41901 Bush Rd
Avondale, Co 81022

Mr. Rinks is a landowner under the Huerfano-Cucharas Irrigation Ditch and may testify to impacts to Lake Huerfano that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application.

5. Jason Potestio
41305 Olson Rd
Avondale Co 81022

Mr. Potestio is a farmer under the Bessemer Irrigation Ditch and may testify to impacts to the Bessemer Ditch that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application. Mr. Potestio may also testify to health and safety concerns related to the of approval of Fremont Paving & Remi-Mix Inc.'s Application.

6. Doug Wiley
53505 Olson Rd
Boone Co 81022-9779

Mr. Wiley is a farmer near the Bessemer Irrigation Ditch and may testify to impacts to the Bessemer Ditch that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application. Mr. Wiley may also testify to health and safety concerns related to the of approval of Fremont Paving & Remi-Mix Inc.'s Application.

7. Wayne Harding
2000 S Colorado Blvd
Tower 1, Ste. 3100
Denver Co. 80222
303-222-1000

Mr. Harding is the CEO of a corporation who owns the Huerfano-Cucharas Irrigation Ditch and may testify to impacts to Lake Huerfano that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application.

8. John Stulp
24247 US HWY 287
Lamar, CO 81052
(719) 336-4116

Mr. Stulp is a Policy Advisor to the Governor for Water and may testify to impacts to senior downstream water rights and to hydrological conditions in the vicinity of the mine that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application.

9. Jay Winner, Jack Goble, P.E., Mike Weber, Bill Hancock, and/or Peter Nichols
Lower Arkansas Valley Water Conservancy District
801 Swink Avenue
Rocky Ford, Colorado 81067

Mr. Winner is the executive director of the Lower Arkansas Valley Water Conservancy District and Peter Nichols is its legal counsel. Messrs. Goble, Weber, and Hancock are all employees of Lower Arkansas Valley Water Conservancy District. These individuals may testify to impacts to senior downstream water rights and impacts to hydrological conditions near the mine that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application.

10. Nancy and Dalton Fisher
PO Box 53
Avondale, CO 81022

Mary Tinkcom
1705 S. Avondale Blvd
Avondale Co 81022

David Ruybal
98 Avondale Blvd
Avondale, CO 81022
(719) 947-3854

Greg Gallegos
201 William St
Avondale Co 81022

The above individuals all live in Avondale, Colorado, and may testify to flooding in the Avondale area and any impacts that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application.

11. Don Brown
Colorado Commissioner of Agriculture
305 Interlocken Parkway
Broomfield, CO 80021
(303) 869-9000

Mr. Brown is the Colorado Commissioner of Agriculture and may testify to impacts to agriculture in the vicinity near the mine that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application.

12. Nolan Doesken
Colorado State Climatologist
Colorado Climate Center
Department of Atmospheric Science
1371 General Delivery
Colorado State University
Fort Collins, Colorado 80523-1371
970-491-3690

Mr. Doesken is the State Climatologist and may testify to the magnitude of climatological events in the vicinity near the mine and any impacts from such events that may occur due to approval of Fremont Paving & Remi-Mix Inc.'s Application.

13. Any witness listed on any other parties witness list.

14. Any witness needed to authenticate any document/exhibit.

15. Any witness needed for rebuttal or for impeachment purposes.

II. Exhibit List.

The following exhibits may be introduced at the hearing by the Objectors:

1. Application and its amendments filed by Fremont Paving & Remi-Mix Inc.

2. All documents, correspondence, pleadings and their attachments part of File No. M-2016-009.

3. December 5, 2012 Memorandum from Joan Armstrong to Pueblo Planning Commission regarding Pueblo County Special Use Permit No. 2012-012 and all attachments to the memorandum.

4. KOAA news article, *Consistent rain poses flooding threat in Avondale* May 29, 2015, by Lena Howland.

5. Conservation Plan for the Western Arkansas Valley, April 2012.

6. KRDO news article, *Avondale homeowner prepares for the next storm,* by Michelle Miguel, dated May 18, 2015.

7. Aerial vicinity maps.

8. Photographs showing flooding in the Avondale area.

9. Any exhibits listed by other parties.

10. Any exhibits needed for rebuttal or impeachment purposes.

Respectfully submitted this 2nd day of November 2016.

MONSON, CUMMINS & SHOHET, LLC

/s/ David M. Shohet
David M. Shohet, #36675

CERTIFICATE OF SERVICE

I hereby certify that I have duly served the Objectors' Witness and Exhibit List, to the parties herein this 2nd day of November 2016, addressed as follows:

James Stark
jim.stark@state.co.us

John Paul Ary
jp@arycorp.com

Angela Bellantoni
eai@bresnan.net

Karen R. Jones
c/o Thomas Rusler
tommy@ruslerproduce.com

Hobbs Family Farm
c/o Daniel G. Hobbs
danghobbs@gmail.com

Rusler Produce, Inc.
Tommy@ruslerproduce.com

David Cockrell
davidcockrell@comcast.net

Kelly G. Bond
jbond1820@msn.com

Pisciotta Farms & Produce Marketing
c/o Joe P. Pisciotta
pisciottafarms@msn.com

Jose Munoz
47300 Olson Road
Avondale, CO 81022

Jason and Tina Potestio
whinniefancy@yahoo.com

Michael and Velma Rinks
hlranch@earthlink.net

Larga Vista Ranch
c/o Doug and Kim Wiley
info@largavistaranch.com

Elliott Russell
eliott.russell@state.co.us

Scott Schultz
scott.schultz@coag.gov

/s/ Fay M. Whitfield

ANTHONY NUÑEZ
CHAIRMAN
DISTRICT 1

J.E. CHOSTNER
CHAIR PRO TEM
DISTRICT 3

JOHN B. CORDOVA SR.
COMMISSIONER
DISTRICT 2

JOAN ARMSTRONG
DIRECTOR
planning@co.pueblo.co.us

PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Pueblo County Planning Commission

THROUGH: Joan Armstrong, Director JA

FROM: Dominga Jimenez-Garcia, Planner II

DATE: December 5, 2012

SUBJECT: Special Use Permit No. 2012-012
State of Colorado, c/o Pete Milonas, Danny J. and Cindy L. Henrichs, Pritekel Brothers Farm LLC, c/o Bob Pritekel (Surface and Mineral rights owners)
Danny J. and Cindy L. Henrichs (Grazing Lessee)
Fremont paving & Redi-Mix Inc., c/o John Paul Ary (Applicant and Mineral Lessee)
Environmental Alternatives, Inc. Angela Bellantoni (Representative)
Portions of Section 24 and 25, Township 21 South, Range 63 West and Sections 19 and 30, Township 21 South, Range 62 West of the 6th P.M.

PURPOSE

Applicant requests a special use permit for natural deposits extraction and processing; stockpiling, crusher and screening plant; temporary scales and scale house/site office within a 1952± acre permit boundary area in the A-1, Agricultural (minimum 35 acres) Zone District. The application includes a proposed haul route by means of a private road to Highway 50, two mining phases with affected areas less than 500 acres total and proposal to reclaim the mined area to its post mining use of rangeland. The proposed gravel pit is to be named 44th Lane Project.

LOCATION

See Vicinity Map attached as **Exhibit 1**. The proposed permit area is located 1300± feet south of Olson Road, between 41 ½ Lane and Avondale Boulevard in the Avondale area.

LAND USE AND ZONING

See neighboring Land Use and Zoning Map attached as **Exhibit 2** and adjacent property owners as **Exhibit 2a**. The special use permit boundary contains 1952± acres and zoned A-1, Agricultural (minimum 35 acres) Zone District.

Neighboring land uses and zoning are as follows:

NORTH: Majority A-1 Zone District, an area of A-2 Zone District and a Planned Unit Development (JD Vigil Subdivision), agricultural farm land and single family residences.
EAST: Majority A-1 Zone District and area of A-2 Zone District, agricultural farm land and single family residences.
SOUTH: A-1 Zone District, agricultural farm land.
WEST: A-1 Zone District, agricultural farm land and single family residences.

PUEBLO REGIONAL DEVELOPMENT PLAN

The Pueblo Regional Development Plan, most recently amended September 27, 2011, Future Land Use Map recognizes the subject properties as being within an area of "Rural/Ranch". The letter of request (Exhibit 3 - Letter of Request) states:

> *According to Pueblo's Comprehensive Plan, the proposed site is located in the Future Land Use area Rural/Ranch, which recommends limited residential and commercial development to preserve open space and not increase impact on public services. Mining makes little if any demand on public services including water, sanitation and, in this case, public roads.*

RECOMMENDATION

Staff recommends **APPROVAL** of Special Use Permit No. 2012-012 with the following conditions of approval, directive to staff and other requirements:

1. The special use permit is approved for natural deposits extraction and processing; stockpiling, crusher and screening plant; temporary scales and scale house/site office. Processing and stockpiling shall be restricted to materials excavated from the site.

2. There shall be **NO** blasting permitted in association with the mineral extraction activities.

3. The location of the area used for Special Use Permit No. 2012-012 shall be limited to the 1952± acre area described in the letter of request attached to this staff report as Exhibit 3 and as depicted on the Mining and Processing Plan Map identified as Exhibit 4 of that staff report dated December 5, 2012. Any additional area to be used for Special Use Permit No. 2012-012 shall require an amendment to the Special Use Permit.

4. The View Shed Buffer Area shall be preserved throughout the life of the mine and the mining operation shall not encroach within the view shed buffer area.

5. The mining operation shall not encroach within the 200 foot (to either side) buffer around structures, 75 foot (to either side) buffer around power poles, 40 foot (to either side) buffer around gas lines and any existing utility easements.

6. Maintain the Active Golden Eagle Nest ½ Mile Buffers as depicted on the Mining and Processing Plan Map attached as Exhibit 4 of that staff report dated December 5, 2012.

7. If and when prairie dogs are present on the property research for burrowing owls shall be conducted and the 150 foot buffer as recommended by the Department of Wildlife will be complied with.

8. Days and Hours of Operation and Hauling shall be as follows:

   - DURING THE MONTHS OF APRIL THROUGH OCTOBER
     - ✓ 6:00 am to 7:00 pm, Monday through Friday
   - DURING THE MONTHS OF NOVEMBER THROUGH MARCH
     - ✓ 7:00 am to 5:00 pm, Monday through Friday

   These days and hours shall not apply to emergency situations that require immediate maintenance or repair to protect the site and surrounding environment, or immediate response to a government directive to supply materials to protect the health, safety, and welfare of the surrounding community. Documentation from the Agency requesting the emergency demand, which includes a specified time frame, shall be submitted to the Department of Planning and Development. Should the applicant wish to extend the hours or days of general operation, the applicant must apply for and obtain an amendment to this special use permit, through the public hearing process.

9. The haul route from the site shall be limited to that route depicted on the Haul Routing Map attached as Exhibit 5 of that staff report dated December 5, 2012 and within the private easements.

10. Prior to commencing any mining activities the applicant shall submit to the Department of Planning and Development:

    A. Copies of the recorded Memorandum of Easement Agreements along with any described attachments.
    B. Photographs of the school bus crossing signs which include the anticipated school bus crossing times after they have been posted as depicted on the Haul Routing Map attached as Exhibit 5 of that staff report dated December 5, 2012.
    C. Photographs of the truck crossing signs after they have been posted as depicted on the Haul Routing Map attached as Exhibit 5 of that staff report dated December 5, 2012.
    D. Submit a letter from the Department of Public Works or Colorado Department of Transportation should they require any changes to the truck crossing signs and/or any revised maps depicting said signs.
    E. Photographs of the posted 10 mph speed limit signs. There shall be a minimum of two (2) speed limit signs posted along the private road; one located at a point from which the trucks exit the easterly boundary of the special use permit area and another as the trucks enter the private road off of US Highway 50.

11. For the duration of the operation and reclamation, the applicant and/or property owner shall apply and maintain effective weed control on the permitted site, to prevent the establishment and/or spread of noxious weeds, and to maintain a vegetative cover compatible with surrounding rangeland.

12. A licensed cleaner/pumper shall be used to clean and service the portable toilets.

13. The applicant shall file with the Department of Planning and Development an annual mining operation and reclamation activities report that addresses compliance with the conditions of this

Special Use permit. Said report shall be submitted by the first day of the anniversary month of the approval date of this Special Use Permit.

14. Upon completion of the project the applicant shall submit a written request to the department of Planning and Development to withdraw the special use permit. The request shall include the anticipated date for completion of the reclamation.

15. The applicant shall develop, operate, and manage the mining-related activity according to the rules, regulations, plans and permits administered by the applicable federal, state, and local agencies. Any violation of a rule, regulation, permit, or plan may result in the scheduling of a Show Cause Hearing to consider revocation of the special use permit.

DIRECTIVE TO STAFF: The Department of Planning and Development is directed to conduct an administrative review of the property during the month of December, 2013 and to present a report to the Pueblo County Planning Commission at its December, 2013 meeting. If the use is not established and/or the property is not in full compliance with the Pueblo County Code and/or all of the conditions of approval, the Commission may, at its discretion, direct staff to schedule the permit for a public hearing at the January, 2014 meeting. The Commission, at its discretion, may also direct staff to conduct an administrative review and/or schedule the permit for public hearing at an earlier date, if deemed necessary. **THIS DIRECTIVE TO STAFF IS NOT INTENDED AS A CONDITION OF APPROVAL.**

❖ **OTHER REQUIREMENTS**

Prior to commencing mining activities, the applicant must obtain several other permits, in addition to this special use permit. Depending upon the nature and location of the operation, a mineral operation must acquire permits from the following agencies and copies of any approved permits shall be submitted to the Department of Planning and Development:

- Colorado Division of Reclamation, Mining and Safety (DRMS) – Mining and Reclamation Documents/Permits
- Colorado Department of Health, Air Pollution Control Division – Fugitive Dust Permits
- Colorado Department of Health, Water Quality Control Division – Stormwater Discharge Permit
- Pueblo County Department of Public Works – Access Permit for Olson Road and McHarg Road.
- Colorado Department of Transportation – Access Permit for a change in use to State Highway 50 and a letter of acceptance from the Colorado Department of Transportation that the required state highway improvements have been installed per the State Highway Access Permit.

The applicant shall provide the Department of Planning and Development a copy of all other required Federal, State, and local permit applications, approvals, amendments, waivers, or releases (e.g. air quality, DRMS, etc.) pertaining to Special Use Permit No. 2012-012 within 30 days of their submittal to the respective agency, and approval by the respective agency

BACKGROUND

A portion of these properties was part of a special use permit that was denied in 2001. The applicant, Fremont Paving and Redi-Mix, Inc., submitted a special use permit requesting to allow

the operation of a portable asphalt hot mix plant and concrete batch plant, in conjunction with extraction and processing of natural deposits (sand and gravel) on a 360 acre parcel. It was later requested by the applicant to remove the request for a concrete batch plant. The site was located within a portion of Section 24, Township 21 South, Range 63 West of the Sixth Principal Meridian. Special Use Permit No. 2001-011 was denied on November 29, 2001, based upon concerns regarding the existing road system, the traditional functions of the agricultural community and the overall impact of the proposed operation and haul route to the public health, safety and welfare.

FIRE PROTECTION

The property is located within the service area of the Emergency Services Team. This Department only responds to wild land fires.

FLOODPLAIN

The site is not within a "Special Flood Hazard Area" according to the Federal Emergency Management Agency's Flood Insurance Rate Map, Community Panel No. 080147 0380B effective date August 18, 2000.

IMPORTANT FARMLANDS OF PUEBLO COUNTY

The "Important Farmlands of Pueblo County Colorado Map (1979), prepared by the USDA-Soil Conservation Service and Colorado State University Experiment Station, depicts the subject parcel as not containing farmlands of national or state importance. The actual mining area is depicted as "Other Land", surrounded by farmland considered "Prime if Irrigated" within the parcel.

MINERAL EXTRACTION MASTER PLAN

The mining area is not within the Mineral Resource Areas To Be Protected (for commercial use) as depicted on the *Mineral Extraction Master Plan Map*, adopted September 4, 1975 in response to State enabling legislation in HB 1529 and HB 1041. The Official Mineral Extraction Plan is a composite map that indicates commercially extractable sand and gravel deposits, as identified by the Colorado Geological Survey. Per the *Pueblo Regional Development Plan* adopted by Pueblo County Commissioners October 16, 2001, with final approval being granted by the Pueblo Area Council of Governments on July 25, 2002, gravel and sand are probably the most valuable mineral resources in Pueblo County, and are found primarily in the floodplain of major rivers and their tributaries. The *Development Plan* notes other valuable upland terrace deposits also exist in Pueblo County, but had not been mapped.

MINING OPERATION PLAN

The letter of request (Exhibit 3a - Letter of Request) states:

> *Please accept this letter and documentation as formal notice of application from Fremont Paving & Redi-Mix Inc. for Special Use Permit (SUP) to extract and process natural deposits of gravel to produce construction material on property owned by State of Colorado, Pritekel Brothers Farms LLC and Danny and Cindy Henrichs, located south of Olson Road, southwest of Avondale, Colorado.*

Activities at the site will include:

> *…extraction with front end loaders retrofitted with "white sound" back up alarms in compliance with MSHA, screening, crushing, stockpiling and reclamation. The temporary scale house will serve as site office.*

The type of mining at the site:

> *…will be a surface mine extracting gravel. Natural gravel reserves are present in the top approximate 15 to 20 feet of the mesas.* ***No explosives*** *will be necessary during mining.*

The hours of operation and hauling are proposed as:

> *Normal hours of operation are anticipated from 6 am to 7 pm, five days per week during the summer construction season. Operating hours may extend to Saturdays if a government project or emergency demands. During winter months, hours will be reduced to 7 am to 5 pm, five days per week when in operation. Economic conditions may result in seasonal shut down during the winter. Up to six employees will operate the site during one shift per day.*

Additional information was requested regarding the mining operation which included months and hours of hauling. The representative responded via e-mail, attached as **Exhibit 3b** of this staff report, on December 4, 2012 with the following:

> 2. *Seasonal operations are anticipated as summer months including April thru October and winter months including November thru March.*
> 3. *The applicant respectfully requests to haul aggregate during operating hours…*

Existing structures include:

> *…agricultural fences, Colorado Interstate Gas high pressure gas line requiring a 40 ft setback and an Xcel transmission power line requiring a 75 ft radial setback from power poles. The operation will require construction of an access road that will be reclaimed. All other structures, including the scales and scale house will be temporary.*

The mining operation will have two (2) phases as outlined in the letter of request (Exhibit 3a - Letter of Request) and on the mining and processing plan map (Exhibit 4 – Mining and Processing Plan Map):

> *Detailed site development is provided for Phases 1 and 2. The process area, including stockpiles and employee parking, will cover approximately ten acres. Active mining will be limited to no more than 25 acres at any one time in addition to the processing area. Phase I, Section 25, contains only one mesa of interest, less than 100 acres. Phase 2 will include two gravel mesas in Section 24. Even though the mesas are larger in Section 24 than in Section 25, the north and west facing mesa faces will remain intact in order to preserve the view shed of Pueblo County residents; therefore mining will affect less than 100 acres. The estimated life of mine is 10 to 20 years depending on market demand.*
>
> *Project acreage distribution is as follows:*

Area Description	Acres
Phase 1	78.2
Phase 1 Processing and Stockpile Area	10.0
Phase 1 On-Site Haul Road	6.7
Phase 1 Total	**94.9**
Phase 2	77.1
Phase 2 Processing and Stockpile Area	10.0
Phase 2 On-Site Haul Road	5.3
Phase 2 Total	**90.4**

The letter of request (Exhibit 3a - Letter of Request) states that the applicant met with area neighbors regarding view shed protection measures for north and west facing mesas. It further states:

> *The Undisturbed View Shed Buffer Area depicted on the Mining and Processing Site Map* (Exhibit 4 – Mining and Processing Plan Map) *represents approximately 100 acres. The south and eastern boundary of the buffer area will be staked prior to commencement of excavation. The undisturbed north and west facing mesas will also serve as noise and dust barrier for area neighbors.*

WATER AND SEWER

Proposed water and sewer at the site will be:

> *Water will be hauled to the site as necessary for fugitive dust control and employee use. Water will be provided to the site in a 6500 gallon water truck with water purchased from Board of Water Works of Pueblo…Sanitation services will be provided by temporary port-a-let facility. Waste Connections of Colorado commits to providing service at the project site.*

The letter of request (Exhibit 3a - Letter of Request) further states:

> *Stormwater management will be in accordance with Colorado Department of Public Health and Environment, Water Quality Control Division. Best management practices will include perimeter berms to direct any surface flow in contact with mining operations into stormwater detention ponds where percolation will occur within 72 hours.*

Comments from the Pueblo City-County Health Department state:

> *This Department has reviewed the document presented regarding SUP 2012-012. If the applicants have not yet done so, they must apply for air quality and stormwater quality permits from the Colorado Department of Public Health and Environment. The use of portable toilets will be acceptable to service the gravel pit and scale house. Some means of disinfection or hand washing should be supplied to the employees after using the portable toilets. A licensed cleaner/pumper must used to clean and service the portable toilets. If any structures, which contain restrooms, are connected to a water supply, the property owners will be required to install an individual sewage disposal system to service that structure.*

Comments from the State of Colorado, Department of Natural Resources, Division of Water Resources state:

> *This is provided as a courtesy comment as this proposal does not involve a subdivision requiring comment by the State Engineer's Office pursuant to C.R.S. 30-28-136(1)(h)(I). The submittal has a completed DWR Checklist and also an email from Angela Bellantoni, of Environmental Alternatives, Inc., consultant for the applicants with information that hauled water will supply all water needs for dust suppression and no other water needs are planned. A letter of commitment from the Pueblo Board of Water Works was submitted. Additionally, a portable toilet service is planned at the facility.*
>
> *We do not object to hauled water from a legal municipal source.*

ACCESS, HAUL ROUTE AND NUMBER OF LOADS HAULED

The letter of request (Exhibit 3a - Letter of Request) states, *"The project entrance will be constructed approximately ¾ mile west of the Olson Road and Avondale Boulevard Intersection, approximately two miles south of Avondale"* and describes the haul route (Exhibit 5 – Haul Routing Map) as follows:

> *The haul route will be a posted private road from the processing site to Highway 50 west of Avondale. A minimum of 100 feet of the haul road will be paved at the intersection with Olson Road both northward and southward. The haul road entrances at both Hwy 50 and Olson Road will include a vehicle tracking device. The private road will be gated at Olson Road to limit use only to project traffic. Truck crossing signage will be posted on Olson Road as requested by Pueblo County. The haul road will be modified as directed by Pueblo County and maintained as project development requires.*

The representative has also stated via e-mail, attached as **Exhibit 3b** of this staff report, that truck crossing signs will also be posted at McHarg Road and State Highway 50. The Haul Routing Map attached as **Exhibit 5** of this staff report has been revised to depict said revisions.

The haul route goes east from Phase I and II to the east boundary of the special use permit area and then across private properties going northeasterly to Olson Road then north to State Highway 50. The letter of request (Exhibit 3a - Letter of Request) lists the haul road property owners as follows:

Haul Road Property Owners

Property Owner	Parcel Number	Reception Number	Legal description
Centa Land Co., LLC	1200000016	1824988	NE 1/4, S19-21-62
Bregar	1220000012	1428951	W 1/2 of W 1/2 NW 1/4, S20-21-62
Bregar	1220000013	1428950	E 1/2 of W 1/2 NW 1/4, S20-21-62
Centa Land Co., LLC	1217000011	1310166	Lot 2 in the SW 1/4, S17-21-62
BL & KJH, LLC	1217001003	1787015	Blocks 62 and 69, T22-R62
Henrichs	1200000015	1202158	E 1/2 of SE 1/4, 19-21-62
Henrichs	1200000022	1202158	E 1/2 of NE 1/4, 30-21-62

According to the haul route map the properties affected outside of the special use permit area are as follows:

Parcel No. 12-000-00-015	Danny J. and Cindy L. Henrichs – Point at which the haul route exits the special use permit boundary and proceeds northeasterly.
Parcel No. 12-000-00-016	Centa Land CO LLC – Haul route crosses the SE corner of this property.
Parcel No. 12-200-00-008	Thomas J. and Nancy L. Bregar – Haul route goes across this property and then north to a bridge across the Bessemer Ditch.
Parcel No. 12-200-00-013	Thomas J. and Nancy L. Bregar – Haul route continues north across property, west of the residence and to the south line of Olson Road.
Parcel No. 12-170-00-011	Centa Land Co LLC – Haul route continues north across Olson Road and through the center of this property.
Parcel No. 12-170-01-003	BL & KJH LLC – Haul route continues north along the east side of this property to the southerly right of way of McHarg Road.
Parcel No. 12-080-01-050	Centa Land CO LLC – Haul route proceeds north along the east side of this property and exits onto Highway 50.

The representative submitted Memorandum of Easement Agreements (Exhibit 6 – Memorandum of Easement Agreement – Only one attached as example all others are the same except names and legal descriptions change) from the above property owners. The agreements state under No. 2, *"…the parties agree to record this Memorandum of Easement Agreement together with a legal description of the actual easement and right of way acquired and to be used by Grantee, which is attached hereto as Exhibit A…"*. Said Exhibit A was not attached to the agreements, although the agreements for BL & KJH LLC and Centa Land Co. LLC, legally describe the easement under item No. 1 while the agreement for Thomas J. and Nancy L. Bregar and Henrichs Land and Cattle LLC only state *"they have acquired an easement across"* the property.

South of Olson Road the haul route will cross the Bessemer Ditch and access is as follows:

- June 25, 2010 - Danny J. and Cindy L. Henrichs submitted to the Bessemer Irrigating Ditch Company a request (Exhibit 7 – Request to place a bridge) for *"…a permit to place a bridge over the Bessemer Ditch…"*. The request was signed by Henrichs and Bregars because the bridge is located on the Bregar property. Henrichs have an agreement to access their property through the property owned by the Bregar's.
- August 12, 2010 - Bessemer Irrigating Ditch Company grants easement (Exhibit 8 – Crossing Agreement) to Henrichs to build a bridge across the Bessemer Ditch.
- November 26, 2012 – Danny J. Henrichs submits to the Department of Planning and Development a statement (Exhibit 9 – Statement by Danny J. Henrichs) that they *"…have granted Fremont Paving & Redi-Mix Inc. permission to construct the bridge* (across the Bessemer Ditch) *and use the bridge to access 44th Lane Project for the life of the project."*

The number of loads hauled is proposed as:

An average of 50 loads of gravel will be hauled per day during the summer construction season. During winter months, an average of 20 loads will be hauled from the site. Hauling will occur over the course of 8 hours per day which allows approximately 2.5 trucks per hour.

The representative, via e-mail, attached as **Exhibit 3b** of this staff report, requested that the hours of hauling be revised from 8 hours per day to be the same as the operating hours. The hours of operation as previously stated are 6:00 am to 7:00 pm from April thru October and 7:00 am to 5:00 pm from November thru March.

Comments from the Department of Public Works state:

The haul route for this application is proposed to be a private road system from the pit to an access point onto State Highway 50. State Highway 50 is regulated by the Colorado Department of Transportation. The applicant will be required to make application to CDOT for access onto Highway 50 from the private road. The private road will cross Olson and McHarg Road which are maintained by Pueblo County. Olson Road is a paved road 20 feet in width with roadside ditches in fair condition. McHarg Road is a gravel surfaced road 18 feet in width with roadside ditches. The applicant is required to obtain an access permit from this department for access onto Olson and McHarg Road and to comply with all conditions of those permits. Approved access permits shall be deemed as compliance with this condition.

This department does not oppose approval of this application. If the planning commission chooses to approve this special use permit, we would request that the following conditions be placed upon that approval:

1. *The haul route for this application shall be limited to the proposed private road which runs from the pit north to State Highway 50.*

2. *The applicant shall submit applications, for access permit, to the Pueblo County Engineering department for their proposed access points onto Olson and McHarg Road. All conditions associated with said permits shall be complied with prior to commencing hauling operations from the pit. Approved access permits shall be deemed as compliance with this condition.*

The applicant has also taken into consideration bus routes in the area and has stated in the letter of request (Exhibit 3a - Letter of Request):

Pueblo School District 70 has many bus routes in the area. Based on the District 70 bus route website, two bus route maps were developed; a morning route map (Exhibit G-Attached as Exhibit 10 of this staff report) and an afternoon route map (Exhibit H-Attached as Exhibit 11 of this staff report). To increase school bus awareness of truck drivers and employees, bus crossing signs will be posted at both Olson Road and Hwy 50 that include anticipated school bus crossing times. Drivers will be instructed to take extra caution crossing the intersection during posted school bus times. Both maps were presented to Mr. Smith, Superintendent of District 70, via email on September 24, 2012 (Exhibit I - Not attached to this staff report*) and followed with a phone message on October 1, 2012. As of this date, Mr. Smith has not responded to our request for input. Summer is the most active construction season, when schools are not in session and bus traffic is minimal.*

Dust control on the haul route is proposed as follows:

> *Fugitive dust will be controlled by posting vehicle speed limit signs at 10 miles per hour, water spray application to active extraction faces and stockpiles using a water truck, application of tacifier on haul roads and temporary seeding stockpiles that are anticipated to exist for longer than one year. These air quality control measures will be incorporated into the Colorado Department of Public Health and Environment, Air Pollution Control Division air pollution permit and fugitive dust plan.*

RECLAMATION PLAN

The Reclamation Plan Map is attached as **Exhibit 12** and the letter of request (Exhibit 3a - Letter of Request) states:

> *The proposed post-reclamation land use is rangeland…The proposed site is currently of limited agricultural productivity due to large amount of gravel in surface material. Reclamation will improve vegetative cover thus increase productivity.*
>
> *The Natural Resources Conservation Service (NRCS) representative Rich Rhoades visited the site in May 2001 followed by the report dated May 14, 2001 (Exhibit B* – Not attached to this staff report, summarized below*). When Mr. Rhoades was contacted for any changes to the 2001 report, he stated the report still represented the area of interest…Reclamation will be performed in accordance with NRCS and Turkey Creek Conservation District recommendations including monitoring for noxious weeds.*
>
> *…The operation will require construction of an access road that will be reclaimed.*

The 2001 report from the Natural Resources Conservation Service states in part:

> *The site is not prime farmland. The owner of the land is Pritekel Brothers Farm LLC. Fremont Paving will be responsible for reclamation. The postmining land use is grazing. It is not anticipated that groundwater will be intercepted by this activity.*
>
> *The soil identified on soil map #24 from the Pueblo Area Soil Survey is a Cascajo very gravelly sandy loam, 5 - 15% slopes. This soil is more fully described in the attached material including a non-technical description of the soil mapping unit. Copies are included of three tables from our soil survey database: Engineering Index Properties, Physical and Chemical Properties and Soil Interpretations - Gravel. Please note that these properties are typical of the native, undisturbed soil.*
>
> *The vegetation on the pit site consists primarily of grasses Including blue grama, red threeawn, and ring muhly. Forbs and shrubs in the area include scarlet globemallow, slimflower scurfpea, yucca, walkingstick cactus, plains prickly pear, and a variety of forbs. Cover ranges from 15% to 20%. Production varies from 550 to 650 pounds per acre. See the attached for more detailed information on plant composition based on the inventory conducted May 11, 2001. The site's current ecological condition is fair, related to ecological site productivity and composition.*

The letter also outlines nine (9) steps to follow to revegetate the site such as learning how to distinguish native species from weeds, avoid driving through noxious weed infested areas, inspect

maintenance or heavy equipment for weed seeds before it enters the property, avoid leaving piles of exposed soil in construction areas and etc.

WEED MANAGEMENT

The letter of request (Exhibit 3a - Letter of Request) states the following regarding an inspection conducted by the Turkey Creek Conservation District – Noxious Weed Control Program for Pueblo County:

> *Beth Campbell of Turkey Creek Conservation District visited the site on September 18, 2012 followed by the October 9, 2012 report (Exhibit C* – Not attached to this staff report, summarized below*) stating noxious weeds were not present and recommending best management practices during reclamation. Reclamation will be performed in accordance with NRCS and Turkey Creek Conservation District recommendations including monitoring for noxious weeds.*

The letter from the Turkey Creek Conservation District – Noxious Weed Control Program for Pueblo County, dated October 9, 2012 states in part:

> *At the time of inspection, no State-listed noxious plant species were observed on the proposed gravel mine property as described above. Also, let it be noted that the current natural area was observed to be suffering from the prolonged drought conditions affecting the county.*
>
> *All surface mining activities generate situations that can easily result in noxious weed infestations. Severe soil disturbance, creation of roads, high traffic volumes, and equipment movement between sites can all lead to conditions in which noxious weeds get started without much difficulty. Below are a few best management practices that can help avoid the establishment of noxious weed infestations.*

The letter then outlines six (6) best management practices to follow at the site.

WILDLIFE

The letter of request (Exhibit 3a - Letter of Request) states the following regarding wildlife in the area:

> *Colorado Division of Wildlife (DOW) and Colorado Natural Heritage Program (CNHP) were both solicited for wildlife impact mitigation recommendations. A telephone discussion followed receipt of DOW's September 2, 2012 correspondence (Exhibit D* – Attached as Exhibit 13 of this staff report*) on September 17, 2012 with Mr. Trujillo, DOW Area Wildlife Manager, which included DOW commitment to provide GPS coordinates of the Golden Eagle nest in order to delineate the appropriate setback and DOW relinquish of operating limitation caused by the burrowing owl because of the Undisturbed View Shed Buffer Area. On October 14, 2012, (Exhibit E* – Attached as Exhibit 14 of this staff report*) DOW responded with prairie dog colony and potential burrowing owl accepted mitigation measures. The applicant will commence prairie dog removal as recommended by DOW prior to March 14th. The seasonal required setbacks from the eagle's nest will be respected and are included on the Mine Plan map.*

> *CNHP database search report (Exhibit F –* Not attached to this staff report*) for threatened and endangered species was received August 31, 2012. Sensitive wildlife in the area includes the Arkansas Darter, the plover, the tern and a Cassin's sparrow. The sparrow is not a sensitive species according to the report. The remaining identified wildlife is near or in aquatic habitat, not present in the vicinity of the project area.*

The Mining & Processing Plan Map (Exhibit 4 – Mining and Processing Plan Map) as well as the Reclamation Plan Map (Exhibit 12 – Reclamation Plan Map) depicts the active burrowing owl burrows and the active golden eagle nest ¼ mile buffer and ½ mile buffer.

AGENCY COMMENTS

Initial comments received the St. Charles Mesa Water District on November 19, 2012 state:

> *The St. Charles Mesa Water District does not have any comments regarding this special use permit. The location of the actual mining will not impact the District water supply, and the haul route will not cross any of our water mains.*

Comments were also received from the St. Charles Mesa Water District on December 4, 2012 and state:

> *My comments related to the gravel operation related to the water District's water rights and distribution system remain unchanged.*
>
> *I do have some concern's relating to our farm property next to the haul route. The District's property has concrete irrigation ditches and culverts that deliver water to the farm and provide drainage. Any damage or needed upgrade to the system will have to be the responsibility of the person or person's operating the gravel mining and hauling. I understand that the haul route will be chip sealed or some type of coating to control dust. This must be required and maintained during operation.*

These comments were forwarded to the representative and responded via e-mail, attached as **Exhibit 3b** of this staff report, which state in part:

> 4. *The DRMS 112 Permit application requires a Damage Compensation Agreement with all parties owning structures within 200 feet of the affected area. Not knowing the exact location of this ditch and culvert, but if it is within the 200 foot limit, the agreement will specifically state any damage to the structure caused by mining, including hauling, will be the responsibility of the permit holder to correct and/or repair.*
> 5. *Yes, the applicant commits to dust control coating on the haul road.*

Comments from Xcel Energy state, *"…Xcel Energy does not have any lines that will be impacted by the special use permit shown."*

COMMENTS

1. Staff conducted an on-site inspection of the property on November 28, 2012. The property is rangeland (Exhibit 15a, 15b, 15c and 15d – Photographs of the area). The surrounding areas are single family residences, rangeland and agricultural.

2. Under "AGENCY COMMENTS" the St. Charles Mesa Water District stated that, *"…Any damage or needed upgrade to the system will have to be the responsibility of the person or person's operating the gravel mining and hauling."* The haul route does cross some private ditches and culverts of which the applicant has obtained easements (Exhibit 6 – Memorandum of Easement Agreement – Only one attached as example all others are the same except names and legal descriptions change) from each individual property owner. Each property owner within the haul route would be responsible for their private property and any damages that occur such as damages to their ditches or culverts.

3. Prior to recordation of the Memorandum of Easement Agreements the applicant should submit copies for review by the Department of Planning and Development in order to ensure the easements follow the haul route as depicted on Exhibit 5 of that staff report dated December 5, 2012. The Memorandum of Easement Agreements shall include all attachments and legal descriptions. Any descriptions using an offset from centerline shall include a drawing with point of beginning and point of terminus depicted.

4. The letter of request included, *"…a waiver of an Outdoor Lighting Plan per Section 17, 120.180 of the Pueblo County Code."* Based upon the hours of operation being during daylight hours, outdoor lighting is not required; therefore a waiver is not necessary.

5. This Department does not have jurisdiction to create management plans for weeds, or erosion control, but can require the applicant to comply with other Federal, State, and local regulations that may include such controls. The Division of Reclamation, Mining and Safety (DRMS) permit requires prevention of the growth and spread of noxious weeds during operation and reclamation. The DRMS permit and the Stormwater Discharge Permit require the applicant to undertake protective measures to prevent erosion, runoff impacts, and water pollution. The required Fugitive Dust Control Permits will address issues of blowing dust.

6. The concept of zoning under lying "Special Use" or "Uses-by-Review" is that such uses are not inherently inconsistent with the "principal uses" or other "uses-by-review" of the zone district. However, a specific use-by-review may not be appropriate at all locations throughout the zone district. Therefore, the Planning Commission is given the opportunity to consider the compatibility of the use with surrounding uses. The Commission may also impose reasonable conditions to ensure consistency with the character of the area and to minimize impacts.

7. Chapter 17.140, Section 050 SPECIAL USE PERMIT STANDARDS of the Pueblo County Code sets forth the standards the Planning Commission must make in its approval of a special use permit. The following is a list of those standards, in bold face type, with staff's comments thereafter:

   (a) The requested use is a use listed as a special use in the zone district in which the parcel is located. Alternatively, the Planning Commission may find, based upon the determination of the Pueblo County Zoning Administrator or upon its own finding, that a requested use is similar to those uses listed as uses-by-right or uses-by-review in the zone district in which the parcel is located. A similar use determination by the Zoning Administrator or by the Pueblo County Planning Commission shall not be site specific and shall thereafter be binding upon Pueblo County in the interpretation and administration of this Title (i.e., Title 17 LAND USE of the Pueblo County Code) unless and until the same is amended in accordance with law and regulation.

The *"extraction and processing of natural deposits"* is listed as a use by review in the A-1, Agricultural (minimum 35 acre) Zone District.

(b) The granting of the Special Use Permit will not substantially modify the Land Use plan or the intent, purpose and spirit of this Title (i.e., Title 17 LAND USE of the <u>Pueblo County Code</u>).

The special use permit does not modify the land use plan. The Purpose statement for the A-1 Zone District states, *"The standards of these districts (A-1 and A-2) are designed to retain and promote the appropriate use of dry range and irrigated lands and encourage open use of the land in keeping with its natural characteristics and agricultural functions."* This proposal to extract and process natural deposits, and then reclaim the site is consistent with that intent.

(c) The Special Use Permit proposal incorporates reasonable means to create an environment harmonious with that of surrounding properties.

The majority of the surrounding area is single family residences and agricultural land. The applicant has proposed to reclaim the site to rangeland. The mining plan, as presented, will allow wise use of natural mineral resources, with reclamation to rangeland, which is the predominant use in the area.

The applicant has taken into consideration the surrounding properties and has proposed:

- Undisturbed View Shed Buffer Area – Approximately 100 acres are reserved as an undisturbed view shed buffer along a portion of the north boundary and majority of the west boundary as depicted on attached Exhibit 4, Mining and Processing Plan Map. This buffer will also provide a noise and dust barrier.
- Active Golden Eagle Nest ½ Mile Buffer – The letter of request states, *"…the seasonal required setbacks from the eagle's nest will be respected and are included on the Mine Plan Map."*
- Prairie Dog Removal – As previously stated in the letter of request, *"…The applicant will commence prairie dog removal as recommended by DOW prior to March 14th."* The recommendation for prairie dog removal by the Department by Wildlife is to ensure an adequate buffer zone between development and potentially nesting burrowing owls.
- Speed Limit Signs – *"Fugitive dust will be controlled by posting vehicle speed limit signs at 10 miles per hour, water spray application to active extraction faces and stockpiles using a water truck, application of tacifier on haul rods and temporary seeding stockpiles that are anticipated to exist for longer than one year."*
- White sound back up alarms – front end loaders retrofitted with white sound back up alarms in compliance with MSHA.

(d) The Special Use Permit will not adversely affect the public health, safety or welfare.

The special use permit will not adversely affect the public health, safety, or welfare provided all conditions of approval are complied with in their entirety.

Other Federal, state, and local agencies will regulate the permitted use to protect the public health, safety, and welfare.

The applicant has taken into consideration bus routes in the area and attempted to obtain comments from Pueblo School District 70. The applicant has proposed:

- Bus Crossing Signs – Bus crossing signs will be posted at Olson Road and Highway 50 that include anticipate school bus crossing times.
- Truck Crossing Signs – Truck crossing signs will be posted at Olson Road and McHarg Road.
- Speed Limit Signs – The applicant will post within their haul route 10 miles per hour speed limit signs.

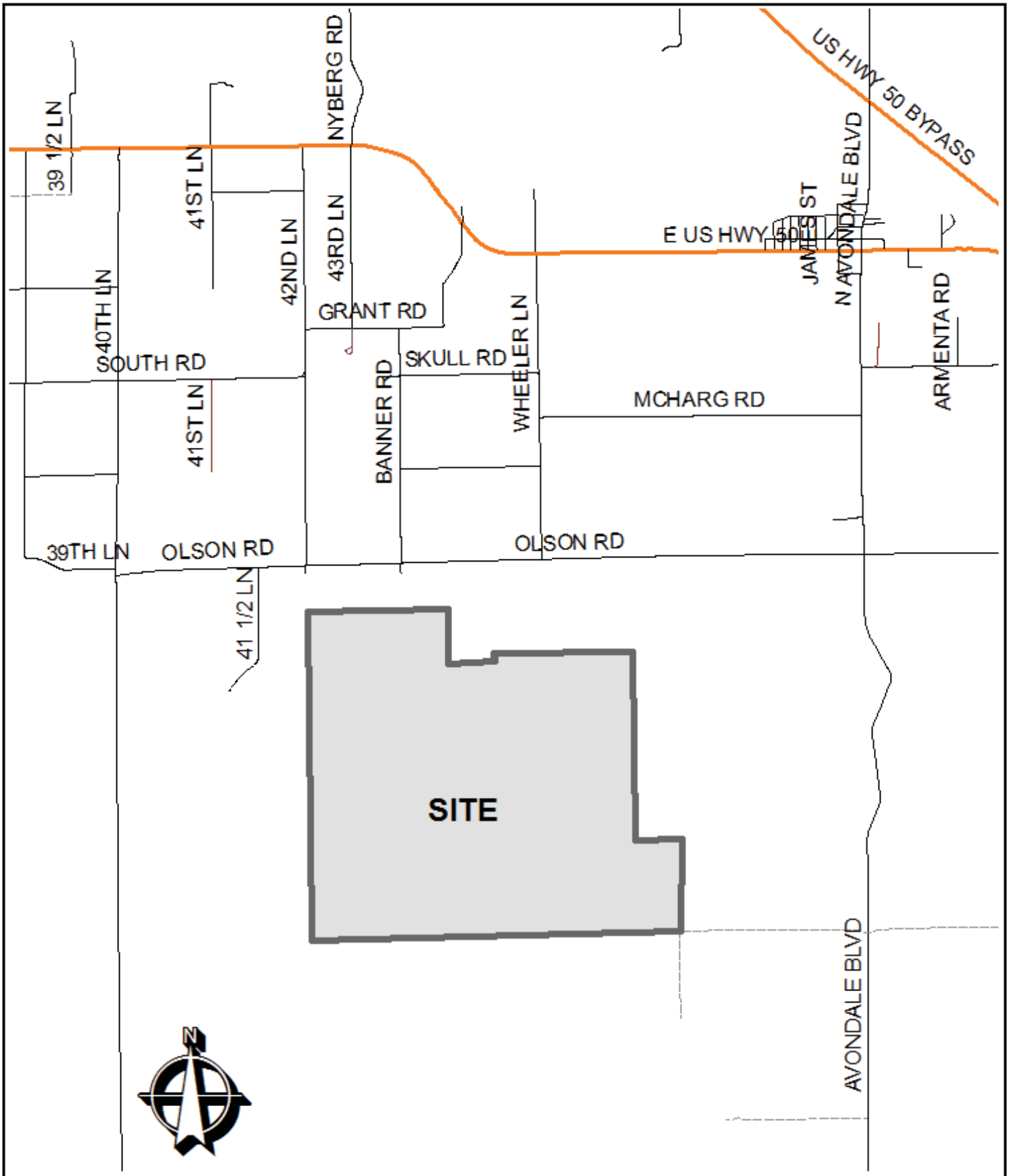
8. Any person aggrieved by the decision of the Planning Commission on this Special Use Permit may, upon the specific terms and conditions set forth in the Pueblo County Code, Title 17, Chapter 17.140, Sections 17.140.100 through 105, appeal the decision to the Board of County Commissioners. The request for an appeal must be filed within ten days of the decision of the Planning Commission. The decision on whether or not to hear the appeal lies within the sole discretion of the Board of County Commissioners.

DJG

Attachments:
Exhibit 1 . . . . . Vicinity Map
Exhibit 2 . . . . . Zoning and Land Use Map
Exhibit 2a . . . . . Adjacent property owners
Exhibit 3a . . . . . Letter of request
Exhibit 3b . . . . . E-mail d. 12-4-12, additional information
Exhibit 4 . . . . . Mining and Processing Plan Map
Exhibit 5 . . . . . Haul Routing Map
Exhibit 6 . . . . . Memorandum of Easement Agreement
Exhibit 7 . . . . . Request to place bridge
Exhibit 8 . . . . . Crossing Agreement
Exhibit 9 . . . . . Statement by Danny J. Henricks
Exhibit 10 . . . . . Morning Route Map (Bus Route)
Exhibit 11 . . . . . Afternoon Route Map (Bus Route)
Exhibit 12 . . . . . Reclamation Plan Map
Exhibit 13 . . . . . Colorado Division of Wildlife Comments d. 9-17-12
Exhibit 14 . . . . . Colorado Division of Wildlife Commends d. 10-14-12
Exhibit 15 . . . . . Photographs of the area – 15a, 15b, 15c, 15d

c: Fremont Paving & Redi-Mix Inc., John Paul Ary
Environmental Alternatives Inc., c/o Angela Bellantoni
State of Colorado, State Land Board, c/o Pete Milonas
Danny J. and Cindy L. Henrichs
Pritekel Brothers Farm LLC, c/o Bob Pritekel
Centa Land CO LLC., c/o Robert Centa
Thomas J. and Nancy L. Bregar

BL&KJH, LLC., c/o Bert Hartman
Colorado Department of Transportation, c/o Carl Buford
Thomas Rusler
St. Charles Mesa Water District

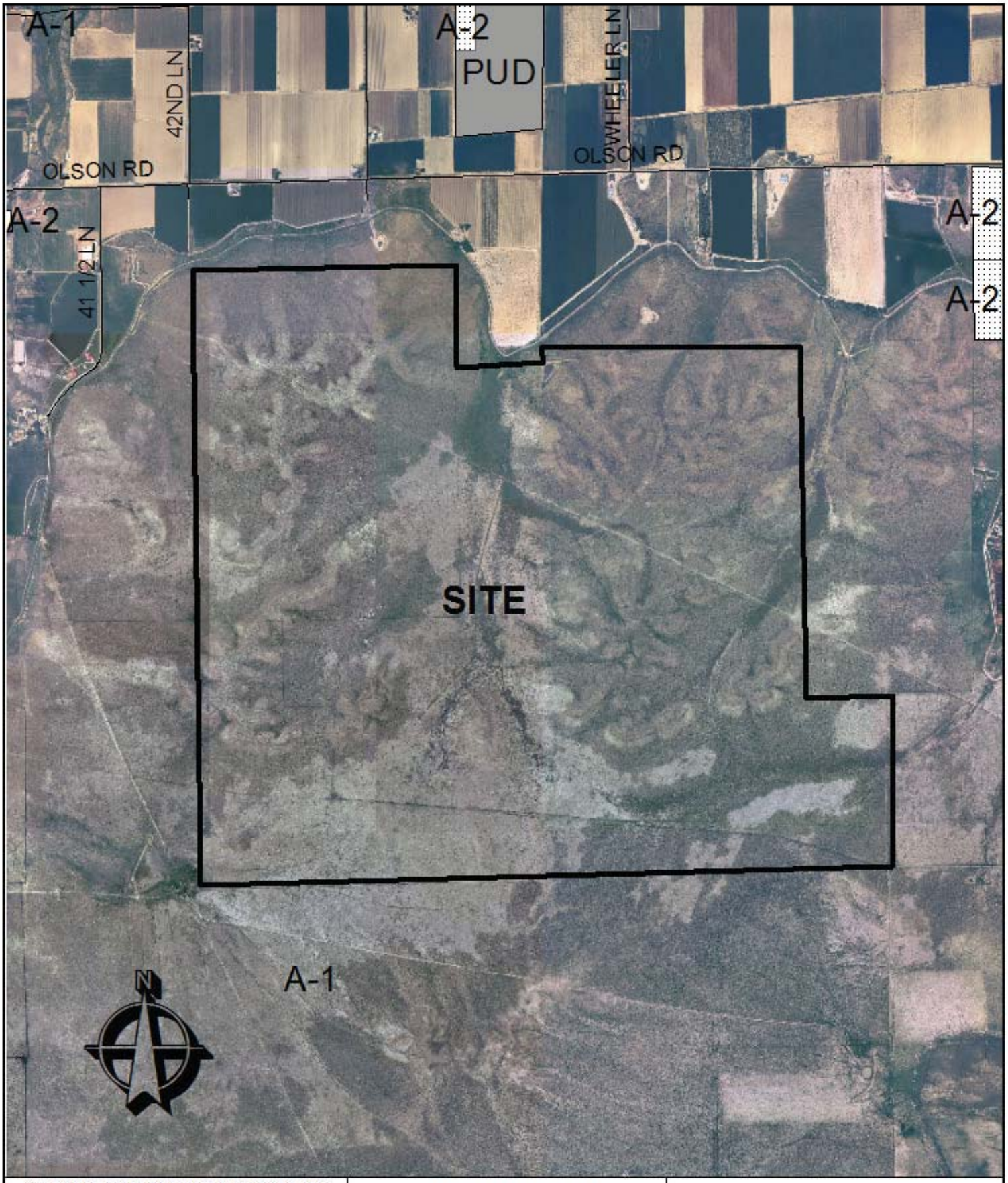


SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX INC.
(APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
C/O ANGELA BELLANTONI
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

VICINITY MAP

0 875 1,750 3,500 5,250 7,000 Feet

PCPC EXHIBIT
NO. 1
12-18-2012



SPECIAL USE PERMIT NO. 2012-012
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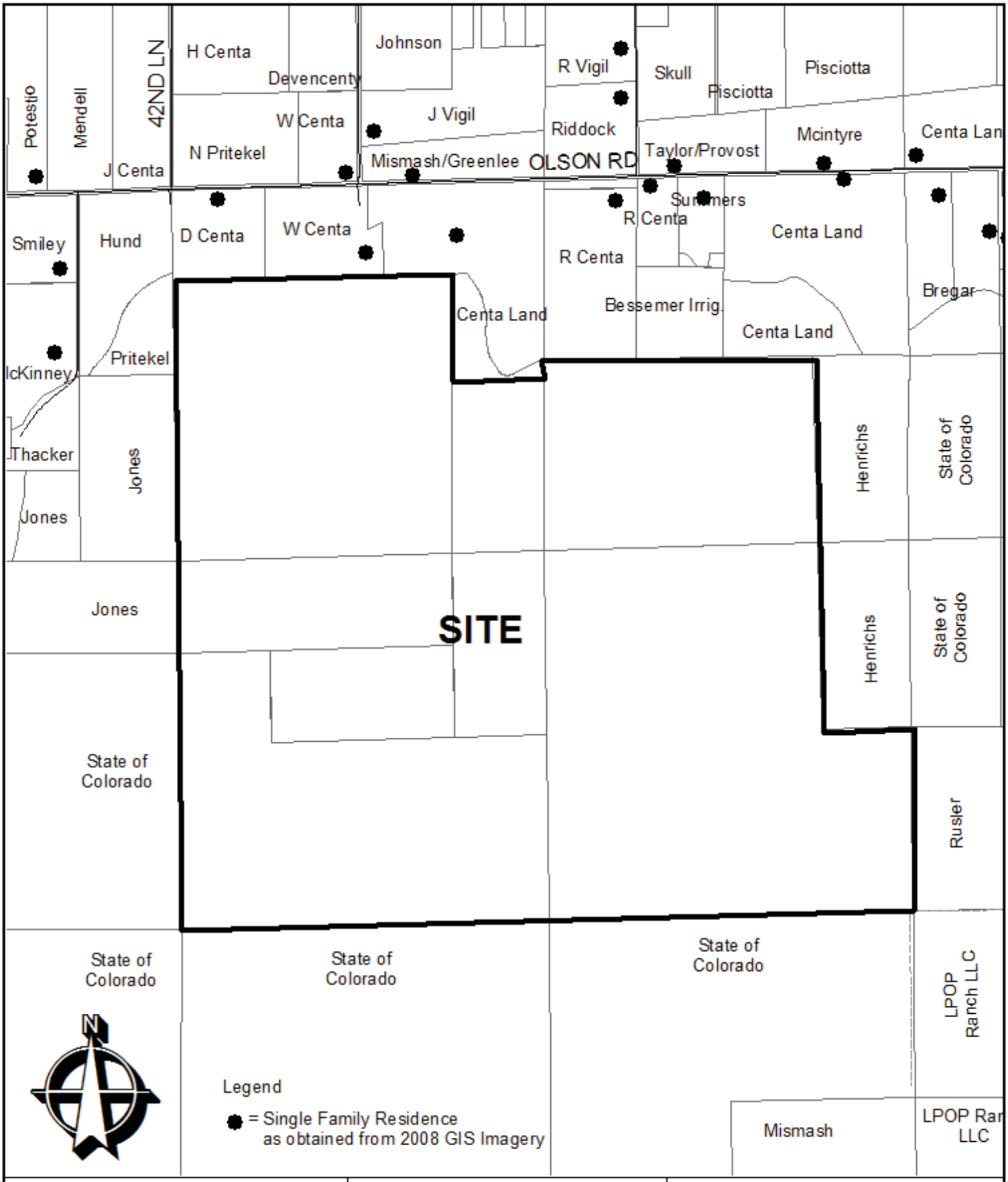
STAFF REVIEW 12-5-2012

LAND USE AND ZONING MAP

0 500 1,000 2,000 3,000 4,000 Feet

PCPC EXHIBIT
NO. 2
12-18-2012



SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX INC.
(APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
C/O ANGELA BELLANTONI
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

ADJACENT OWNERS

0 475 950 1,900 2,850 3,800 Feet

PCPC EXHIBIT
NO. 2a
12-18-2012

November 12, 2012

Pueblo County
Department of Planning and Development
229 West 12th Street
Pueblo, Colorado 81003-2810

RE: Fremont Paving & Redi-Mix Inc.
Special Use Permit Application for 44th Lane Project

To Whom It May Concern:

Please accept this letter and documentation as formal notice of application from Fremont Paving & Redi-Mix Inc. for Special Use Permit (SUP) to extract and process natural deposits of gravel to produce construction material on property owned by State of Colorado, Pritekel Brothers Farms LLC and Danny and Cindy Henrichs, located south of Olson Road, southwest of Avondale, Colorado.

The following information is provided in Table 1 along with parcel numbers and recorded ownership document reference. Table 1 is also included in Exhibit A containing recorded property ownership documents.

The **property owners** of record are as follows:

Pete Milonas
State of Colorado
1127 Sherman Street, Suite 1280
Denver, Colorado 80203
303-866-3454 ext 3324

Danny J and Cindy L. Henrichs
49707 East Highway 50
Avondale, Colorado 81022
719-469-4107

Bob Pritekel
Pritekel Brothers Farm LLC
39291 Nicholson Road
Pueblo, Colorado 81006
719-248-2700

PCPC
EXHIBIT NO.
3a
11-13-2012

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

Environmental Alternatives Inc.
1107 Main Street, Cañon City, CO 81212
www.envalternatives.com • e-mail: eai@bresnan.net
Phone: 719-275-8951 • Fax: 719-275-1715

Mineral rights owners of record are as follows:

Pete Milonas
State of Colorado
1127 Sherman Street, Suite 1280
Denver, Colorado 80203
303-866-3454 ext 3324

Danny J and Cindy L. Henrichs
49707 East Highway 50
Avondale, Colorado 81022
719-469-4107

Bob Pritekel
Pritekel Brothers Farm LLC
39291 Nicholson Road
Pueblo, Colorado 81006
719-248-2700

Current surface lessee for grazing is as follows:

Danny J and Cindy L. Henrichs
49707 East Highway 50
Avondale, Colorado 81022
719-469-4107

Lessee and operator of project are as follows:

John Paul Ary
Fremont Paving & Redi-Mix Inc
P.O. Box 841
Cañon City, Colorado 81212
719-275-1280

The applicant is as follows:

John Paul Ary
Fremont Paving & Redi-Mix Inc
P.O. Box 841
Cañon City, Colorado 81212
719-275-1280

The applicant's representative is as follows:

Angela Bellantoni
Environmental Alternatives Inc.
1107 Main Street
Cañon City, Colorado 81212
719-275-8951

Activities at the proposed site will include extraction with front end loaders retrofitted with "white sound" back up alarms in compliance with MSHA, screening, crushing, stockpiling and reclamation. The temporary scale house will serve as site office.

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

PCPC
EXHIBIT NO.
3a cont'
11-13-2012

44th Lane Project will be a surface mine extracting gravel. Natural gravel reserves are present in the top approximate 15 to 20 feet of the mesas. No explosives will be necessary during mining.

Fremont Paving met with area neighbors regarding view shed protection measures for north and west facing mesas. The Undisturbed View Shed Buffer Area depicted on the Mining and Processing Site Map represents approximately 100 acres. The south and eastern boundary of the buffer area will be staked prior to commencement of excavation. The undisturbed north and west facing mesas will also serve as noise and dust barrier for area neighbors.

The target gravel reserves are owned by the State of Colorado, Pritekel Brothers Farm LLC and Dan and Cindy Henrichs. The northwest portion of the proposed project is a severed estate with Pritekel Brothers Farm LLC as surface owner and State of Colorado as mineral owner. The proposed permit boundary will include South ½, NW ¼ and West ½ of the NE ¼ of Section 30 and the Southwest ¼ and the West ½ of the SE ¼ of Section 19, Township 21 South, Range 62 West and Section 25 and the South ½, South ½ of the NW ¼, SW ¼ of the NE ¼ of Section 24, Township 21 South, Range 63 West (approximately 1952 acres). Because target reserve includes only mesas, affected area will be less than 500 acres.

The project entrance will be constructed approximately ¾ mile west of the Olson Road and Avondale Boulevard intersection, approximately two miles south of Avondale. Present zoning is A-1 (Figure 1) and present land use is vacant land and cattle grazing. Surrounding zoning is A-1 and land uses include vacant land, residential, farming, grazing, and other agricultural uses.

The proposed post-reclamation land use is rangeland. According to Pueblo's Comprehensive Plan, the proposed site is located in the Future Land Use area Rural/Ranch, which recommends limited residential and commercial development to preserve open space and not increase impact on public services. Mining makes little if any demand on public services including water, sanitation and, in this case, public roads. The proposed site is currently of limited agricultural productivity due to large amount of gravel in surface material. Reclamation will improve vegetative cover thus increase productivity.

The Natural Resources Conservation Service (NRCS) representative Rich Rhoades visited the site in May 2001 followed by the report dated May 14, 2001 (Exhibit B). When Mr. Rhoades was contacted for any changes to the 2001 report, he stated the report still represented the area of interest. Beth Campbell of Turkey Creek Conservation District visited the site on September 18, 2012 followed by the October 9, 2012 report (Exhibit C) stating noxious weeds were not present and recommending best management practices during reclamation. Reclamation will be performed in accordance with NRCS and Turkey Creek Conservation District recommendations including monitoring for noxious weeds.

Existing structures include agricultural fences, Colorado Interstate Gas high pressure gas line requiring a 40 ft setback and an Xcel transmission power line requiring a 75 ft radial setback from power poles. The operation will require construction of an access road that will be reclaimed. All other structures, including the scales and scale house will be temporary.

Environmental A s Inc.
1107 Main S CO 81212
www.envalternatives.co esnan.net
Phone: 719-2 275-1715

Colorado Division of Wildlife (DOW) and Colorado Natural Heritage Program (CNHP) were both solicited for wildlife impact mitigation recommendations. A telephone discussion followed receipt of DOW's September 2, 2012 correspondence (Exhibit D) on September 17, 2012 with Mr. Trujillo, DOW Area Wildlife Manager, which included DOW commitment to provide GPS coordinates of the Golden Eagle nest in order to delineate the appropriate setback and DOW relinquish of operating limitation caused by the burrowing owl because of the Undisturbed View Shed Buffer Area. On October 14, 2012, (Exhibit E) DOW responded with prairie dog colony and potential burrowing owl accepted mitigation measures. The applicant will commence prairie dog removal as recommended by DOW prior to March 14th. The seasonal required setbacks from the eagle's nest will be respected and are included on the Mine Plan map.

CNHP database search report (Exhibit F) for threatened and endangered species was received August 31, 2012. Sensitive wildlife in the area includes the Arkansas Darter, the plover, the tern and a Cassin's sparrow. The sparrow is not a sensitive species according to the report. The remaining identified wildlife is near or in aquatic habitat, not present in the vicinity of the project area.

Detailed site development is provided for Phases 1 and 2. The process area, including stockpiles and employee parking, will cover approximately ten acres. Active mining will be limited to no more than 25 acres at any one time in addition to the processing area. Phase I, Section 25, contains only one mesa of interest, less than 100 acres. Phase 2 will include two gravel mesas in Section 24. Even though the mesas are larger in Section 24 than in Section 25, the north and west facing mesa faces will remain intact in order to preserve the view shed of Pueblo County residents; therefore mining will affect less than 100 acres. The estimated life of mine is 10 to 20 years depending on market demand.

Project acreage distribution is as follows:

Area Description	**Acres**
Phase 1	78.2
Phase 1 Processing and Stockpile Area	10.0
Phase 1 On-Site Haul Road	6.7
Phase 1 Total	**94.9**
Phase 2	77.1
Phase 2 Processing and Stockpile Area	10.0
Phase 2 On-Site Haul Road	5.3
Phase 2 Total	**90.4**

Normal hours of operation are anticipated from 6 am to 7 pm, five days per week during the summer construction season. Operating hours may extend to Saturdays if a government project or emergency demands. During winter months, hours will be reduced to 7 am to 5 pm, five days per week when in operation. Economic conditions may result in seasonal shut down during the winter. Up to six employees will operate the site during one shift per day. Because mining is proposed within normal daylight hours, the applicant respectfully requests a waiver of an Outdoor Lighting Plan per Section 17, 120.180 of the Pueblo County Code.

Environmental Alter ... nc.
1107 Main Street, ... 212
www.envalternatives.com • e- ... .net
Phone: 719-275-895 ... 715

The haul route will be a posted private road from the processing site to Highway 50 west of Avondale. A minimum of 100 feet of the haul road will be paved at the intersection with Olson Road both northward and southward. The haul road entrances at both Hwy 50 and Olson Road will include a vehicle tracking device. The private road will be gated at Olson Road to limit use only to project traffic. Truck crossing signage will be posted on Olson Road as requested by Pueblo County. The haul road will be modified as directed by Pueblo County and maintained as project development requires. An average of 50 loads of gravel will be hauled per day during the summer construction season. During winter months, an average of 20 loads will be hauled from the site. Hauling will occur over the course of 8 hours per day which allows approximately 2.5 trucks per hour.

Pueblo School District 70 has many bus routes in the area. Based on the District 70 bus route website, two bus route maps were developed; a morning route map (Exhibit G) and an afternoon route map (Exhibit H). To increase school bus awareness of truck drivers and employees, bus crossing signs will be posted at both Olson Road and Hwy 50 that include anticipated school bus crossing times. Drivers will be instructed to take extra caution crossing the intersection during posted school bus times. Both maps were presented to Mr. Smith, Superintendent of District 70, via email on September 24, 2012 (Exhibit I) and followed with a phone message on October 1, 2012. As of this date, Mr. Smith has not responded to our request for input. Summer is the most active construction season, when schools are not in session and bus traffic is minimal.

Fugitive dust will be controlled by posting vehicle speed limit signs at 10 miles per hour, water spray application to active extraction faces and stockpiles using a water truck, application of tacifier on haul roads and temporary seeding stockpiles that are anticipated to exist for longer than one year. These air quality control measures will be incorporated into the Colorado Department of Public Health and Environment, Air Pollution Control Division air pollution permit and fugitive dust plan.

Stormwater management will be in accordance with Colorado Department of Public Health and Environment, Water Quality Control Division. Best management practices will include perimeter berms to direct any surface flow in contact with mining operations into stormwater detention ponds where percolation will occur within 72 hours.

Water will be hauled to the site as necessary for fugitive dust control and employee use. Water will be provided to the site in a 6500 gallon water truck with water purchased from Board of Water Works of Pueblo. The commitment letter from Pueblo Water Works is provided as Exhibit J.

Sanitation services will be provided by temporary port-a-let facility. Waste Connections of Colorado commits to providing service at the project site (Exhibit K).

Environmental Alte nc.
1107 Main Street 1212
www.envalternatives.com • e-mail: eai@bresnan.net
Phone: 719-275-8951 • Fax: 719-275-1715

The following agencies require permits to conduct mining. Upon Pueblo County's approval of the land use, applications will be immediately prepared and submitted.

Permit/License	Address
Division of Reclamation, Mining and Safety 112 Permit	DRMS 1313 Sherman Street, Room 215 Denver, Colorado 80203
Colorado Department of Public Health and Environment Air Pollution Control Division Fugitive Dust Permit and Plan	CDPHE APCD-B1 4300 Cherry Creek Drive South Denver, Colorado 80222-1530
Colorado Department of Transportation Access Permit	CDOT Region 2- Engineering P.O. Box 536 905 Erie Ave. Pueblo, Colorado 81002
Colorado Department of Public Health and Environment Water Quality Control Division Storm Water Discharge Permit and Plan	CDPHE WQCD-PE-B2 4300 Cherry Creek Drive South Denver, Colorado 80222-1530

Source of legal right to enter is provided as executed lease agreements and memorandum of easement agreement (Exhibit M).

Special districts providing services to the site and vicinity:

- Xcel Energy,
- Colorado Interstate Gas
- St. Charles Mesa Water District
- Bessemer Irrigation Ditch Company
- Turkey Creek Conservation District
- Pueblo County Rural Fire District
- Boone Volunteer Fire District
- East Avondale Water District

Please contact me directly at 719-275-8951 with any questions or request for more information.

Respectfully submitted,

Angela M. Bellantoni

PCPC
EXHIBIT NO.
3a cont'
11-13-2012

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

Environmental Alternatives Inc.
1107 Main Street, Cañon City, CO 81212
www.envalternatives.com • e-mail: eai@bresnan.net
Phone: 719-275-8951 • Fax: 719-275-1715

From: Angela Bellantoni
To: Jimenez-Garcia, Dominga; denise@cpucorp.net; johnpary@cpucorp.net
Subject: FW: Special Use Permit No. 2012-012
Date: Tuesday, December 04, 2012 1:43:11 PM

Oops. Map was too big.

Angela

From: Angela Bellantoni [mailto:eai@bresnan.net]
Sent: Tuesday, December 04, 2012 1:20 PM
To: 'Jimenez-Garcia, Dominga'
Cc: 'Denise Gonzales'; 'John Paul Ary'
Subject: RE: Special Use Permit No. 2012-012

Dominga

My goal was one email with all responses

1. Attached is the modified Haul Route map with signage proposed at both McHarg Road and Hwy 50. Signage is proposed but will be changed as necessary according to recommendations from Pueblo Public works and CDOT as the projects comes to reality. We've checked the bus route website and called Dave Benbow regarding the sign recommendations and crossing McHarg Road.
2. Seasonal operations are anticipated as summer months including April thru October and winter months including November thru March.
3. The applicant respectfully requests to haul aggregate during operating hours. Please disregard the limitation to haul only 8 hours per day.
4. The DRMS 112 Permit application requires a Damage Compensation Agreement with all parties owning structures within 200 feet of the affected area. Not knowing the exact location of this ditch and culvert, but if it is within the 200 foot limit, the agreement will specifically state any damage to the structure caused by mining, including hauling, will be the responsibility of the permit holder to correct and/or repair.
5. Yes, the applicant commits to dust control coating on the haul road.

Thank you. If you have further questions, just let me know.

Angela

From: Jimenez-Garcia, Dominga [mailto:jimenezd@co.pueblo.co.us]
Sent: Tuesday, December 04, 2012 10:00 AM
To: Angela Bellantoni
Subject: FW: Special Use Permit No. 2012-012

If you have any comments you want me add at this time regarding the District's comments, you can send them to me via e-mail.

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
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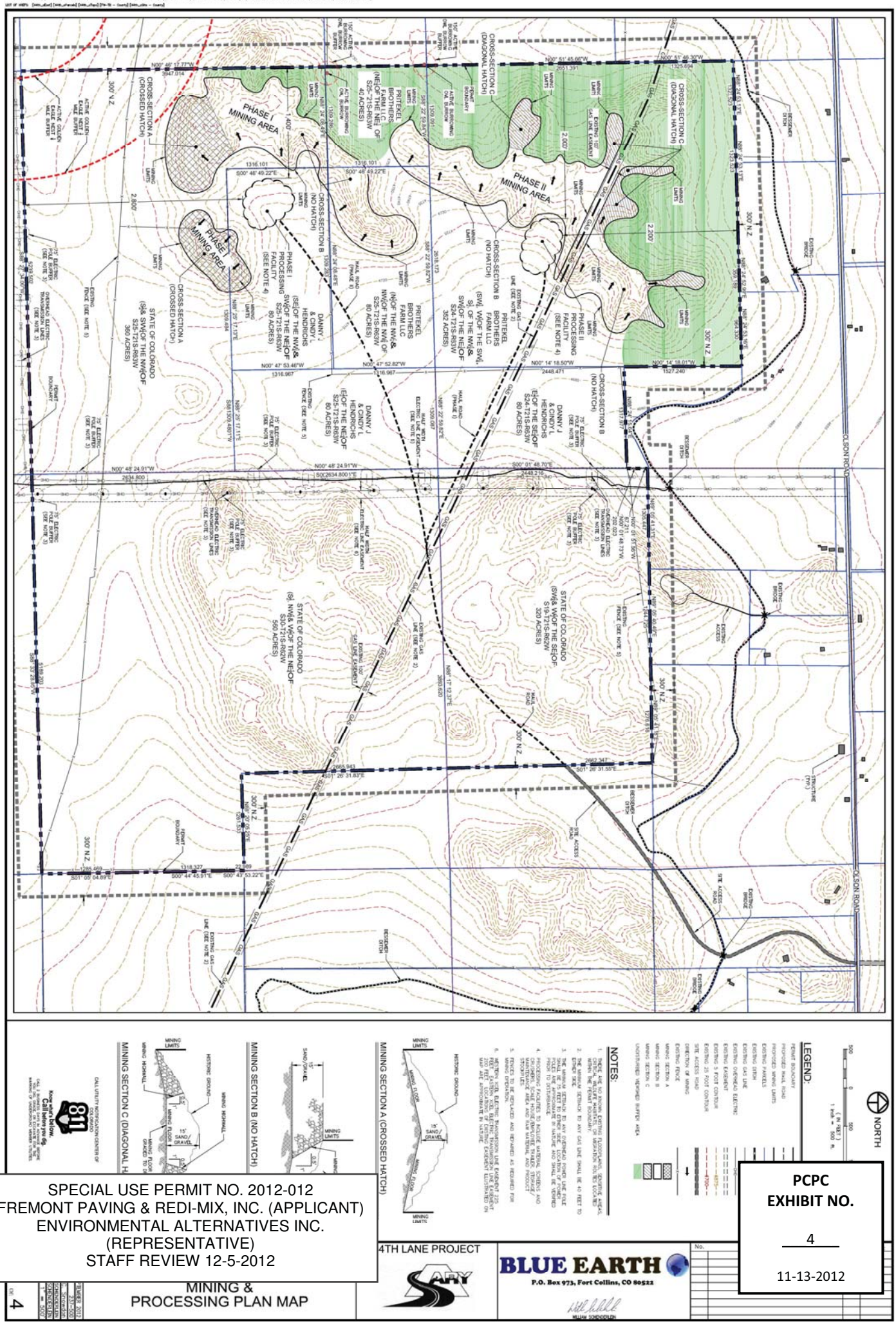

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ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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LEGEND:

- PERMIT BOUNDARY
- EXISTING PARCELS
- EXISTING DITCH
- EXISTING GAS LINE
- EXISTING OVERHEAD ELECTRIC
- EXISTING FENCE
- SITE ACCESS ROAD
- EXISTING EASEMENT
- EXISTING 5 FOOT CONTOUR
- EXISTING 25 FOOT CONTOUR
- EXISTING STRUCTURE
- EXISTING BRIDGE LOCATION

1 inch = 1000 ft.

NOTES:

1. THERE ARE NO KNOWN EXISTING FLOODPLAINS, SENSITIVE AREAS, CRITICAL WILDLIFE HABITATS, OR MIGRATION ROUTES LOCATED WITHIN THE PERMIT BOUNDARY.
2. THE MINIMUM SETBACK TO ANY GAS LINE SHALL BE 40 FEET TO EITHER SIDE.
3. THE MINIMUM SETBACK TO ANY OVERHEAD POWER LINE POLE SHALL BE 75 FEET TO EITHER SIDE.

CALL UTILITY NOTIFICATION CENTER OF COLORADO

811 Know what's below. Call before you dig.

CALL 811 AT LEAST 2 BUSINESS DAYS BEFORE YOU BEGIN MARKING OF UNDERGROUND MEMBER UTILITIES

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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44TH LANE PROJECT

BLUE EARTH
P.O. Box 973, Fort Collins, CO 80522

No.

HAUL ROUTING MAP

PCPC
EXHIBIT NO.
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11-13-2012

MEMORANDUM OF EASEMENT AGREEMENT

This Memorandum of Easement Agreement is agreed to by and between BL&KJH, LLC, hereinafter referred to as "Grantor", whose address is 36540 South Road, Pueblo, CO 81006 and Fremont Paving & Redi Mix, Inc., a Colorado Corporation, hereinafter referred to as "Grantee", whose address is 839 MacKenzie, Canon City, CO 81212.

1. By a certain Easement Agreement dated August 6, 2010, as amended, hereinafter referred to as the "Easement Agreement" between Grantor and Grantee, Grantee has acquired an easement across and for the use of the following described property:

   A tract of land 60 feet wide and 2754 feet long in Blocks 62 and 69 of the Frederica Mesa Subdivision, Township 21 South, Range 62 West, in Pueblo County, Colorado beginning in the NE corner of Block 62 southward along the east boundary of Blocks 62 and 69 to the SE corner of Block 69; then southwestward along the south boundary of Block 69 a distance of 60.18 feet; then northward thru Blocks 62 and 69 to the north boundary of Block 62; then eastward along the north boundary of Block 62 to the point of beginning, approximately 3.8 acres.

2. As set forth in the Easement Agreement, the parties agree to record this Memorandum of Easement Agreement together with a legal description of the actual easement and right of way acquired and to be used by Grantee, which is attached hereto as Exhibit A, and as more fully set forth in the Easement Agreement.

3. The term of the Easement Agreement is twenty (20) years commencing on _____, 2012.

4. There are specific and certain terms and conditions set forth in the Easement Agreement granted to Grantee which the parties agree are binding and enforceable as set forth in said Easement Agreement.

IN WITNESS WHEREOF, this Memorandum of Easement Agreement is executed this 5th day of October, 2012.

BL&KJH, LLC

By: Bert Hartman, its managing member.

Fremont Paving & Redi-Mix, Inc.

By: _____, its President.

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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VERIFICATION

State of Colorado

County of Pueblo

Subscribed and sworn to before me this 5th day of October, 2012, by Bert Hartman, personally, as the managing member of BL&KJH, LLC.

Denise Gonzales

Notary Public

NOTARY PUBLIC
Denise Gonzales
STATE OF COLORADO

Commission expires 2/14/2014

State of Colorado

County of Pueblo

Subscribed and sworn to before me this 5th day of October, 2012, by John P. Ary, personally, as the President of Fremont Paving & Redi-Mix, Inc..

Denise Gonzales

Notary Public

NOTARY PUBLIC
Denise Gonzales
STATE OF COLORADO

Commission expires 2/14/2014

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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EXHIBIT NO.

6 cont'

11-13-2012

Henrichs Cattle
Dan and Cindy Henrichs
49707 US Hwy. 50 East
Avondale, CO 81022

June 25, 2010

Bessemer Irrigating Ditch Company
503 North Main, Suite 216
Pueblo, CO 81003

Dear Sirs:

We are writing and requesting a permit to place a bridge over the Bessemer Ditch just west of head gate 71. We have reached agreement with Tom and Nancy Bregar of 46500 Olson Rd Avondale, CO 81022 for access to our property located south of the Bessemer Ditch. We will need to know all fees associated the permit and the requirements for clearance to adequately pass high water. We want to construct a bridge what will accommodate semi cattle trucks, and would like start building after the water is turned out in November of 2010. We will be happy to allow the Bessemer Ditch company to use the bridge when completed. We look forward to working with Mr. Hill to ensure that all our needs are met.

Sincerely,

Dan Henrichs Dan Henrichs Cindy Henrichs Cindy Henrichs

Tom Bregar Tom Bregar Nancy Bregar Nancy L Bregar

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
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11-13-2012

Bessemer Irrigating Ditch Company

CROSSING AGREEMENT

THIS EASEMENT AGREEMENT made and entered into this 12th day of August 2010, by and between **Bessemer Irrigating Ditch Company**, hereinafter cal Grantor, and Mr. Danny J. Henrichs and Mrs. Cindy Henrichs, hereinafter Grantee.

WITNESSETH:

WHEREAS, Grantor is the owner of that certain irrigation ditch system known as the Besse Irrigating Ditch Company hereinafter the "ditch", located in Pueblo County, Colorado; and

WHEREAS, Grantee has desires to construct a BRIDGE, across the ditch at location and in tl manner as shown on the drawings marked Exhibit A hereto attached and by this reference made p hereof. Said Exhibit A consists of One (1) sheet(s); and

WHEREAS, Grantor is willing to grant the easement desired by Grantee.

NOW, THEREFORE, in consideration of the agreements of Grantee to be performed hereun and upon the conditions and for the period herein stated Exhibit B, Grantor does grant to Grantee, successors and assigns, an easement to construct, install, maintain, alter, repair, operate and remo BRIDGE across the ditch at the specific location and in the manner designated and referred to in th applicable sheet of Exhibit A.

Grantee agrees not to commence construction or repair of said BRIDGE without first havin obtained the consent and approval thereof the Board of Directors.

It is understood that this instrument shall grant to Grantee only such rights as Grantor may grant.

In repairing, maintaining or removing said BRIDGE Grantee shall do so in such manner as n damage said ditch or the embankments thereof and so as not to interfere with the flow of water in ditch. Any and all excavations made shall be immediately leveled off, and any damage to the ditch be repaired at the expense of Grantee.

Grantee agrees that it will at all times maintain said BRIDGE and repair all breaks, leaks and damages therein and thereto at its own expense and further that, if, by reason of any break, leak o damage in and to the BRIDGE injury to the property of Grantor is sustained. The Grantee will, with due diligence, repair and replace such property of Grantor in the same condition as the same was i prior to such break, leak or damage in and to the said BRIDGE and will pay for any and all damages resulting from such break, leak or damage sustained or incurred by Grantor or its stockholders or w users.

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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Grantee futher agrees that, if at any time the BRIDGE causes any settling in the ditch embankments, the roads thereon, or any part of the ditch, it will, upon notification from Grantor, immediately make all repairs required by Grantor at Grantee's expense.

Grantee further agrees to indemnify and hold harmless Grantor, its successors, assigns, employees, agents and stockholders on account of any damage or loss sustained by them or any of them arising by reason of laying, construction, maintenance or removal of said BRIDGE.

Grantee agrees to protect Grantor and hold it harmless from any and all third party claims and damages that said Grantee and its operation, construction, maintenance and removal may directly or indirectly cause; and Grantee hereby releases Grantor its successors, assigns, employees, agents and stockholders from any and all claims and damages of whatsoever character to said BRIDGE or other property of Grantee located in, along or across said ditch arising out of either the operation or maintenance of said ditch or other portions of the Bessemer Irrigating Ditch Company irrigation system or resulting from any other act either on the part of Grantee or on the part of the Third Party.

The rights of way herein granted to Grantee shall continue so long and only so long as Grantee, its successors and assigns, shall faithfully and promptly comply with the provisions herein stated.

Grantee agrees to pay Grantor a crossing fee of (No Charge) upon execution of this crossing agreement.

It is mutually understood and agreed that this Agreement and all the terms and conditions hereof shall extend to and be binding upon the parties hereto, their successors and assigns, and shall be recorded in the office of the Pueblo County Clerk and Recorder.

Executed the day and year first written above.

Bessemer Irrigating Ditch Company

Michael S. Hill, Secretary-Treasurer

By:_____

ATTEST:

By:_____

Mr. Danny J. Henrichs

By:_____

Mrs. Cindy Henrichs

By:_____

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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EXHIBIT NO.

8 cont'

11-13-2012

The foregoing instrument was acknowledged before me this 16 day of Oct 2012 by S. Hill for the Bessemer Irrigating Ditch Company.

WITNESS my hand and official seal.

My Commission Expires: 10/17/12

Seal

Notary Public

STATE OF COLORADO)

SS.

COUNTY OF)

The foregoing instrument was acknowledged before me this 15th day of October 2012 by Mr. Danny J. Henrichs Mrs. Cindy Henrichs for Mr. Danny J. Henrichs and Mrs. Cindy Henrichs.

WITNESS my hand and official seal.

My Commission Expires: 11-16-2014

Seal

Notary Public

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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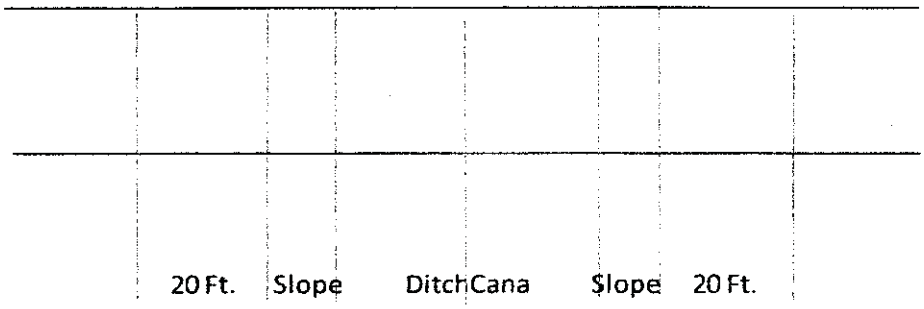

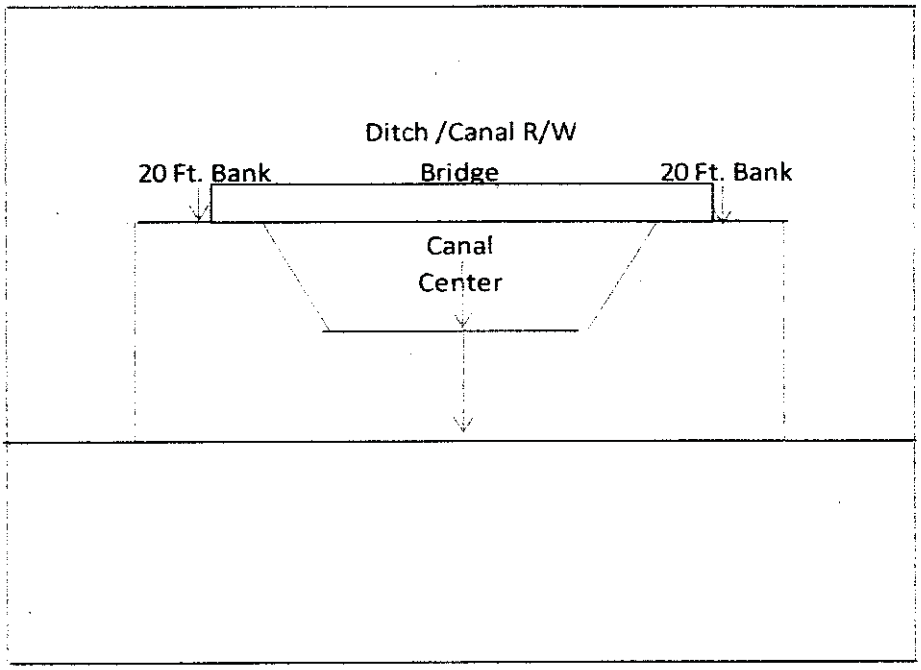

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(REPRESENTATIVE)
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11-13-2012

Grantor, and Grantee agree to the following stipulations that are made ı
ent.

Grantee agrees to install said Bridge across the Bessemer Irrigating Ditcl
the work to be done during the period between November 17, 2010 to I

Grantee will provide Grantor a 48 hour advanced notification prior to co

Grantee is solely responsible to compensate any adjacent landowners fc
livestock, or crops, if said damages are caused as a direct result of Grant
work.

Grantee agrees that any delay for the ditch to be out of service during tl
March 15th through November 15th of any given year, the Grantee will
plus compensation to farmers downstream from the construction area t
crops.

Grantee agrees to restore the area to at least as good a condition as pric
performed.

Grantee agrees should the Bessemer Canal be damaged or a leak create
construction activities, Grantee will be held liable for all repairs.

Bottom of the Bridge will be constructed no lower than the top of the Di

Approach on each end of the Bridge needs to be blended with ditch roac
not affect any travel on the ditch right of way.

Grantee grants Grantor permission to use the Bridge.

Bridge will be constructed between Lateral's #70 and #71.

Construction of Bridge will be built to the Ditch Company's Superintende
direct supervision.

November 26, 2012

Dominga Jimenez-Garcia
Pueblo County
Department of Planning and Development
229 West 12th Street
Pueblo, Colorado 81003-2810

RE: Fremont Paving & Redi-Mix Inc.
Special Use Permit Application for 44th Lane Project

Dear Ms. Jimenez-Garcia

In an agreement dated 6-25-10, I, Dan Henrichs, was granted permission from Tom and Nancy Bregar, property owners, to cross the Bessemer Irrigating Ditch on property owned by Mr. and Mrs. Bregar. This crossing allows access to property used for cattle grazing both privately held and leased from the State of Colorado.

In an agreement dated August 12, 2010, Bessemer Irrigating Ditch Company granted permission to construct a bridge across the irrigation ditch.

I, Dan Henrichs, grant Fremont Paving & Redi-Mix Inc. permission to construct the bridge and use the bridge to access 44th Lane Project for the life of the project.

Respectfully submitted,

Danny J. Henrichs

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FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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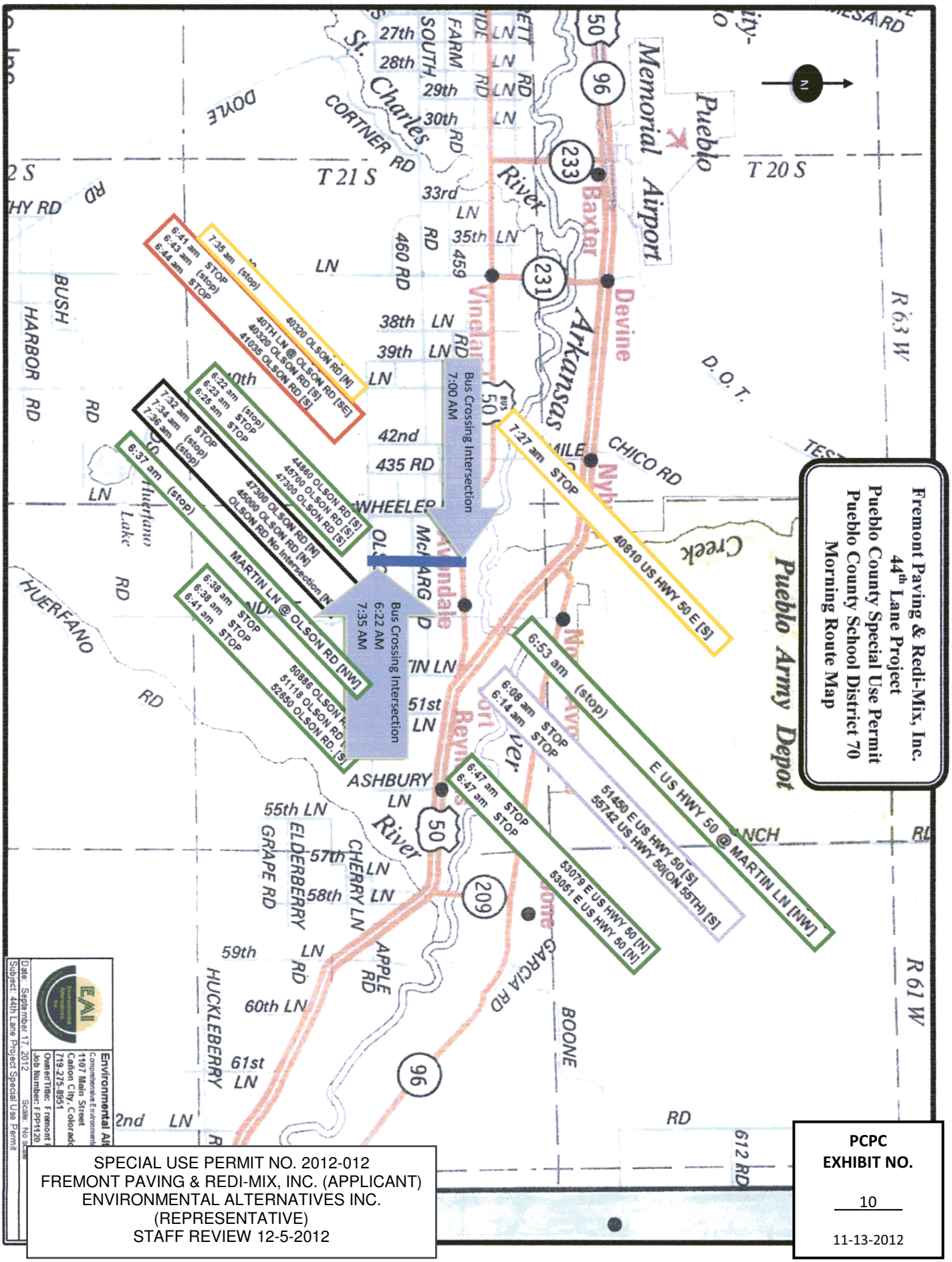

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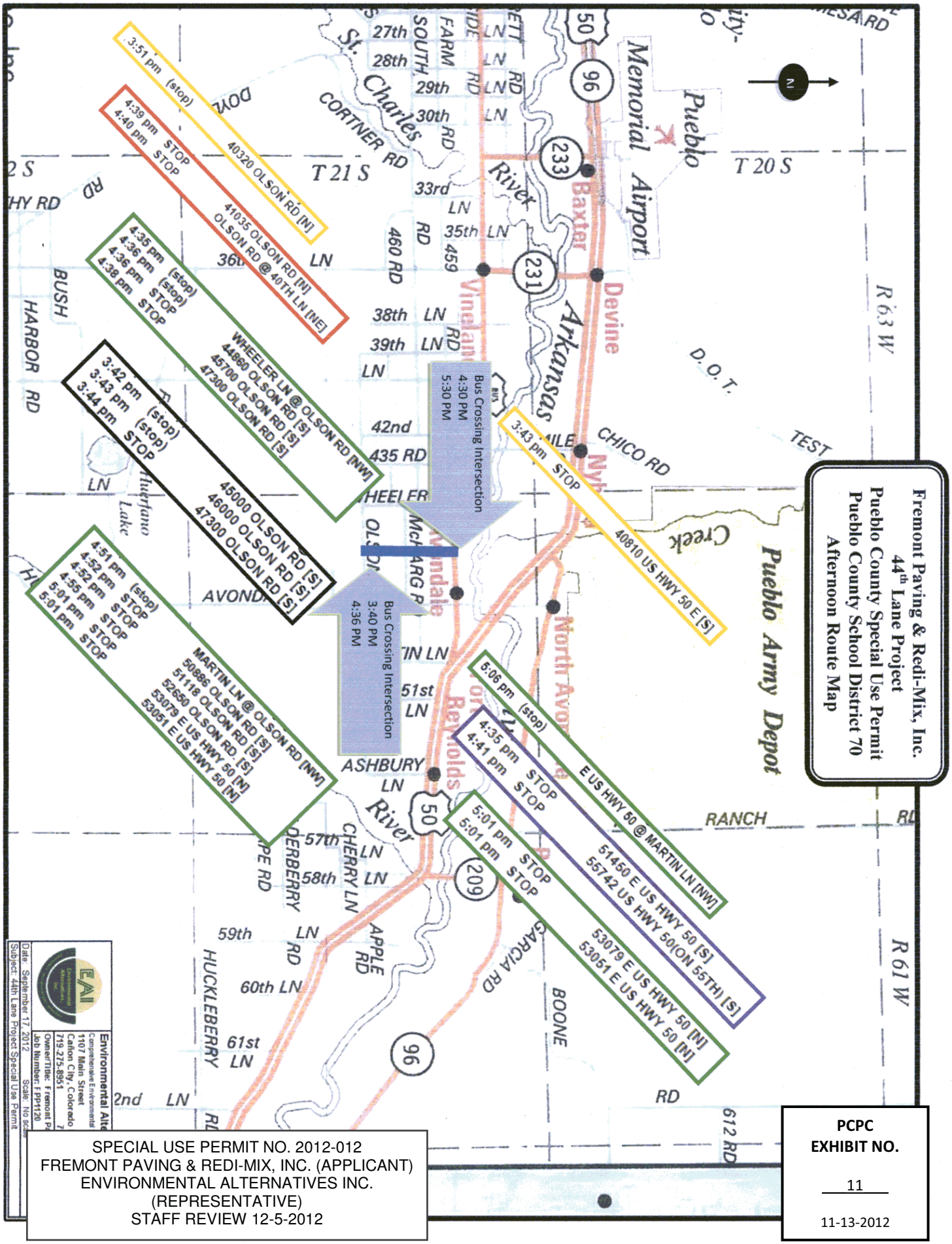

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COLORADO PARKS & WILDLIFE

Pueblo Office
600 Reservoir Road • Pueblo, Colorado 81005
Phone (719) 561-5300• FAX (719) 561-5321
wildlife.state.co.us • parks.state.co.us

September 2, 2012

Angela Bellantoni
Environmental Alternatives Inc.
1107 Main Street
Canon City, CO 81212

RE: Fremont Paving and Redi Mix Inc. Proposal for Gravel Mine

Dear Ms. Bellantoni,

The Colorado Division of Parks and Wildlife (CPW) has been solicited to comment on the development of a gravel mine for the purpose of extracting sand and gravel. The CPW has reviewed the information that was provided and a site visit was conducted on September 2nd, 2012 of the property directly south of Olsen Road, between 41 ½ Lane and 42nd Lane, by District Wildlife Manager (DWM) Quentin Springer.

The site, herein referred to as the Fremont Paving and Redi-Mix Gravel Mine, currently consists of upland short grass prairie typical of the Arkansas River Valley. Wildlife found in the proposed area include pronghorn, scaled quail, raptors, neo-tropical bird species, various species of small mammals as well as various species of reptiles. Currently, livestock are being grazed on the property.

Potential Impacts to Wildlife

Prairie dog colonies are of particular concern when projects are located in short-grass prairie habitats. Burrowing owls, a species of concern in Colorado, are typically found within prairie dog colonies. Federal and state laws prohibit the accidental or intentional harming or killing of burrowing owls and the destruction of active nests. At the time of his site visit, DWM Springer was fortunate enough to be allowed to enter the property and no evidence of the presence of prairie dogs was observed on the hilltops proposed for development. However, an active colony of prairie dogs is present on the property directly adjacent to the southwest of the development area. Due to the propensity for prairie dogs to expand their colonies, a more thorough evaluation of the property is warranted prior to the initiation of mining activities. CPW strongly suggests thoroughly surveying the entire property and any existing prairie dog towns for burrowing owl presence prior to construction. Additionally, CPW suggests that construction of the gravel mine be conducted when no burrowing owls are expected to be present, from November 1st to March 14th.

Please find the attached guidelines which should assist in determining if burrowing owls are present and what to do if burrowing owls are detected. These guidelines do not guarantee that burrowing owls will be detected if they are present. However, adherence to these guidelines will

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STAFF REVIEW 12-5-2012

STATE OF COLORADO
Mike King, Executive Director, Department of Natural Resources
bles, Director, Colorado Parks and Wildlife
ission: Robert W. Bray • Chris Castilian • Jeanne Horne
aspar Perricone • James Pribyl • John Singletary, Chair
• James Vigil • Dean Wingfield • Michelle Zimmerman
Members: Mike King and John Salazar

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11-13-2012

greatly increase the likelihood of detection and reduce the likelihood of inadvertently harming burrowing owls if they are present.

Upland short grass prairie, identical to the proposed project area, provides critical habitat for a variety of raptors which are also protected under federal and state law. Due to the lack of suitable nesting habitat on the property the potential for disturbing nests or a nesting pair of raptors would normally be negligible. However, directly to south and east of the proposed gravel mine is a major series of electrical transmission lines. An active golden eagle nest occupies one of the utility poles in the transmission lines to the south of the proposed development site. The CPW strongly encourages that the distances outlined in the attached "Raptor Buffer Zone Guidelines" be adhered to avoid disturbing a nesting pair, in the likely event that they return to this nest.

Weed Management and Seed Mix

In your request for our concerns about the impacts to wildlife, and for a suggested reclamation seed mix there was no mention of a weed management plan. Often, minimal attention is paid to weed control efforts that should take place on all parts of a property, especially a developed one. Non-native vegetation, such as Russian knapweed, easily becomes established in disturbed areas and roadways and can be detrimental to other more wildlife friendly native vegetation. Non-native vegetation easily becomes established on neighboring private and public properties, and often proves time and cost intensive to control if establishment is not consistently addressed. The CPW therefore, recommends that control of non-native vegetation occur regularly on all parts of the gravel mine property especially along roadways and in disturbed areas. CPW respectfully requests the opportunity to review the project's Noxious Weed Management Plan pending completion. Revegetation of disturbed areas and areas of weed infestation is important to the long-term success of the project and CPW acknowledges the potential difficulty of this undertaking.

Your request stated that the USDA has been contacted for a seed mix, CPW will defer any recommendations for a comprehensive seed mix suitable for revegetation of the given area to the USDA and NRCS. Proper reclamation, from a wildlife perspective, involves not only stabilizing the soil and establishing ground cover, but fostering plant communities with a diversity of species and plant types (grasses, broadleaf forbs, and woody vegetation) which will fully serve the nutritional and cover needs of wildlife. All reclamation seed mixes should be comprised of native seed only, suited to on-site soil types, and mirror native plant communities. All reseeding should be completed in a timely manner and should be monitored for success and noxious weed establishment. Below is a short list of grasses, shrubs and forbs that the CPW would recommend including in the finalized seed mix. USDA recommendations should surpass CPW suggestions and their seed mix prescription should be followed

Grasses: blue grama (*Bouteloua gracilis*), sideoats grama (*Boutelous curtipendula*), ring muhly (*Muhlenbergia torreyi*), sand dropseed (*sporobolus cryptandrus*)

Forbs and Shrubs: milk vetch (*Astragalus adsurgens*), sand sagebrush (*Artemisia filifolia*), skunk brush sumac (*Rhus trilobata*), fourwing saltbush (*Atriplex canescens*)

Colorado Parks and Wildlife appreciates the opportunity to comment on this and other proposed permits occurring in Pueblo County. Please call the Colorado Parks and Wildlife Pueblo Service Center at (719) 561-5300 if you have any questions.

Sincerely,

Michael Trujillo
Area Wildlife Manager
Colorado Parks and Wildlife

cc: Ed Schmal, Species Conservation Biologist.
Allen Vitt, Terrestrial Biologist
Quentin Springer, District Wildlife Manager

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 12-5-2012

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13 cont'
11-13-2012

COLORADO PARKS & WILDLIFE

Pueblo Office
600 Reservoir Road • Pueblo, Colorado 81005
Phone (719) 561-5300• FAX (719) 561-5321
wildlife.state.co.us • parks.state.co.us

October 14, 2012

Angela Bellantoni
Environmental Alternatives Inc.
1107 Main Street
Canon City, CO 81212

RE: Fremont Paving and Redi Mix Inc. Proposal for Gravel Mine

Dear Ms. Bellantoni,

Colorado Parks and Wildlife (CPW) has been solicited to comment on the development of a gravel mine for the purpose of extracting sand and gravel. CPW reviewed the information that was originally provided and a site visit was conducted on September 2nd, 2012 of the property directly south of Olsen Road, between 41 ½ Lane and 42nd Lane, by District Wildlife Manager (DWM) Quentin Springer. On October 5th, you contacted DWM Springer and requested specific coordinates of the golden eagle nest, prairie dog colonies and a more exact description of mitigation measures that could be implemented to protect burrowing owls and golden eagles. To assist in this request you provided a second map which includes the phase development of the property with specific landscape features that can be used as a reference.

On October 8th, an additional site visit was conducted by DWM Quentin Springer and GPS points and pictures of the wildlife resources in question were taken at this time. Accompanying the original comments were attachments which outline specific measures and buffers which CPW strongly recommends in order in order to avoid negatively impacting federally protected wildlife species.

Prairie Dogs Colonies and the Potential Presence of Burrowing Owls

CPW recommends waiting to initiate activities until after November 1st or until it can be confirmed that any owls have left the prairie dog town. In addition, measures to remove prairie dogs and their colonies can be implemented after November 1st and before March 14th to ensure an adequate buffer zone between development and potentially nesting burrowing owls. If it is necessary to conduct development of the property prior to November 1st and/or after March 14th, (without taking measures to remove active prairie dog colonies from the property within that timeframe) then comprehensive surveying should be completed and careful monitoring of the activities of any owls present should be conducted. Any burrows should be carefully noted and marked. This is not easy to accomplish and will require considerable time, as the owls may use several burrows in a prairie dog town. When all active burrowing owl burrows have been located and marked, activity can proceed in areas greater than 150 feet from the burrows with little danger to the owls. Activity closer than 150 feet may endanger the owls.

Needless to say, a single point does not encompass the entire expanse of a prairie dog town. Currently, there are many burrows being used by prairie dogs in the southwest corner of the

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EXHIBIT NO.
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proposed mine property and the burrows continue along the western boundary of the property to the north. A single GPS point was taken along the south property fence of the proposed mine property at UTM zone 13S easting 0552123 x northing 4227950. Additionally, a single GPS point along the west property fence was taken at UTM zone 13S easting 0552154 x northing 4227565. Again, these points are provided as a reference only and are not meant to imply that they encompass the entire extent of the property currently occupied by prairie dogs.

Golden Eagle Nest

The attachment to the original comments titled "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" outline specific guidelines to avoid negatively impacting nesting golden eagles. CPW strongly suggests these recommendations be implemented to ensure that nesting golden eagles are not negatively impacted by the proposed mining activity. It states that "no surface occupancy (beyond that which historically occurred in the area) within ¼ mile radius of active nests. Seasonal restriction to human encroachment within ½ mile radius of active nests from December 15th through July 15th" should occur.

A single GPS point was taken at UTM zone 13S easting 0551766 x northing 4226326 at the base of the utility pole that houses the golden eagle nest to the south of the property. From this point the seasonal and surface occupancy recommendations may prove restrictive, especially in the Phase II Mining Area from December 15th through July 15th. However, from the map provided, it is impossible to accurately predict if the mining boundary limits will conflict with the distance recommendations. CPW suggests that a professional surveyor would be able to accurately ascertain and mark the exact mining and surface occupancy limit from the given location of the golden eagle nest.

Pictures of the fence, prairie dog colony, golden eagle nest, and utility pole accompany this letter. CPW hopes that these additional comments are helpful in assessing the wildlife resources of the property. Colorado Parks and Wildlife appreciates the opportunity to comment on this and other proposed permits occurring in Pueblo County. Please call the Colorado Parks and Wildlife Pueblo Service Center at (719) 561-5300 or District Wildlife Manager Quentin Springer at (719) 565-9562 if you have any questions.

Sincerely,

Michael Trujillo
Area Wildlife Manager
Colorado Parks and Wildlife

cc: Ed Schmal, Species Conservation Biologist.
Allen Vitt, Terrestrial Biologist
Quentin Springer, District Wildlife Manager

SPECIAL USE PERMIT NO. 2012-012
FREMONT PAVING & REDI-MIX, INC. (APPLICANT)
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EXHIBIT NO.
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Exhibit 15a

"Looking southeast at the general area of the site from the intersection of Olson Road and 42nd Lane"

Exhibit 15b

"Looking west at Olson Road"

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PCPC
EXHIBIT NO.

15a & 15b

11-13-2012

SPECIAL USE PERMIT NO. 2012-012

Exhibit 15c
"Looking south at general area of the site."

Exhibit 15d
"Looking east down US Highway 50 toward Avondale."

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15c & 15d

11-13-2012

KOAA 5

Consistent rain poses flooding threat in Avondale

Posted: May 29, 2015 6:08 PM MST
Updated: May 29, 2015 6:11 PM MST

By Lena Howland

AVONDALE - As heavy rain continues to sweep through southern Colorado, folks in Avondale are unable to catch a break from the consistent rainfall.

Homeowners less than 30 minutes east of Pueblo have been dealing with rain showers, hail and flooding almost every day for the past few weeks.

"It's unheard of! The neighbors have been talking that it's actually not been like this since the 1950's," Mary Tinkcom, Co-Owner of Frederica Mesa Farm said.

20 days of grey clouds rolling in, consistent downpour and washed out roads.

"It has been several weeks, we've had a couple of those major downpours, twice actually, our driveway has been washed out entirely and the gravel that you see down here is actually road bed," Tinkcom said.

Mary Tinkcom is the Co-Owner of the Frederica Mesa Farm in Avondale and she says this much rain is just too much.

"It floods the road, comes down here and it starts flooding just to the other side of our mailbox and when it floods, this all becomes a river," she said.

This has caused Avondale Boulevard to flood consistently, becoming one of the town's biggest problem areas.

High water also washed out many of the ditches nearby her property.

All this water and saturated ground has left farmers in a waiting game.

"They have to manage that water as it comes into the fields and determine when they can continue to work in the fields, it delays field work considerably because it's just too muddy to get into them," she said.

Down the road off of Highway 50 Business, it's the same story for Greg Gallegos. Each day, he braces for more rain.

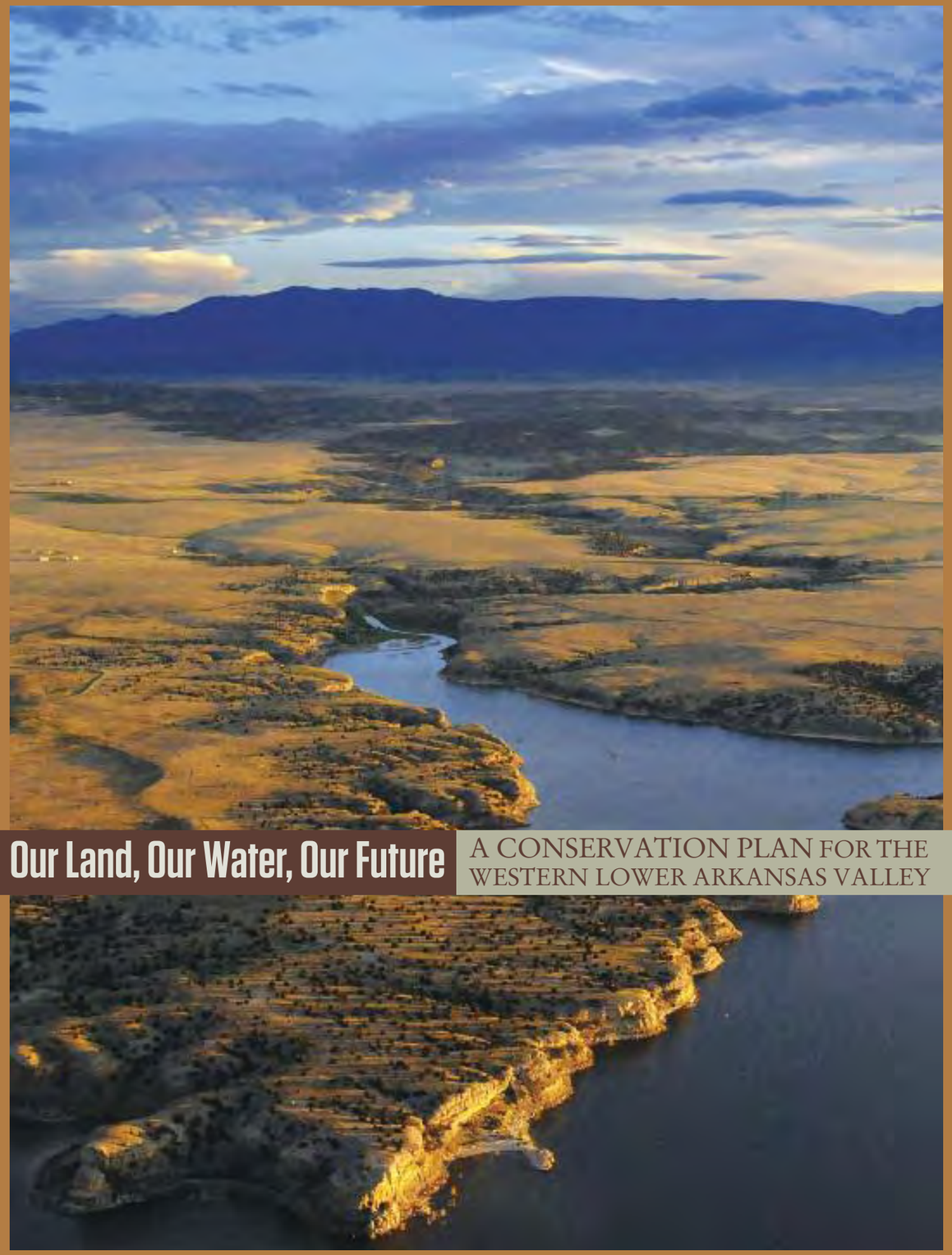
"Family members come over and we lined up sand bags all along the fence, we put a cement barrier all along the front and a few of my nephews came over and dug here just to keep the water flowing," Greg Gallegos, a homeowner in Avondale said.

Wishing and hoping that flood water doesn't take over.

"The drainage ditches across the road have not been cleaned, the culvert's area is really dirty so everything flows this way, towards my house," Gallegos said.

Because every time the skies turn grey, worry takes over.

"I work in Pueblo, my brother and my wife constantly call me, letting me know what's going on because every time I see rain clouds, it's how's it going? Do I need to leave work today? Do I need to get home right away?"



Our Land, Our Water, Our Future

A CONSERVATION PLAN FOR THE WESTERN LOWER ARKANSAS VALLEY

We express our gratitude to the farmers, ranchers, biologists, elected officials, planners, education and business leaders, wildlife and water specialists, and conservation and resource management professionals who shared their expertise and information to help create this plan.

Special thanks to our Regional Oversight Committee who provided insight and guidance throughout the planning process:

Reeves Brown
Board of Directors, Lower Arkansas Valley Water Conservancy District

Jeff Chostner
Commissioner, Pueblo County Board of County Commissioners

David Cockrell
Associate Vice President of Instruction, Otero Junior College

Lewis Fillmore
Board of Directors, Olney-Boone Conservation District

Scott Hobson
Senior Planner, City of Pueblo

Steve Nawrocki
Councilman, Pueblo City Council

Rich Rhodes
District Conservationist, National Resources Conservation Service

Mike Trujillo
Area Wildlife Manager, Colorado Division of Wildlife

Funding for this Plan was provided by Great Outdoors Colorado, the Colorado Conservation Trust, and Palmer Land Trust. This Plan was authored by Scott Campbell, Kevin League, and Nathan Moyer and edited by Denise Dethlefsen and Amanda Hill of Palmer Land Trust. Lauren Giusti of Giusti Design provided publication design.

April 2012

Matt Inden / Weaver Multimedia Group

Front Cover Photo by Jim Wark / Airphoto, Lake Pueblo to Greenhorn Mountain.

The conservation of natural resources is the fundamental problem. Unless we solve that problem it will avail us little to solve all others.

Theodore Roosevelt

Our Land, Our Water, Our Future

A CONSERVATION PLAN FOR THE WESTERN LOWER ARKANSAS VALLEY

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- Farming
- Habitat
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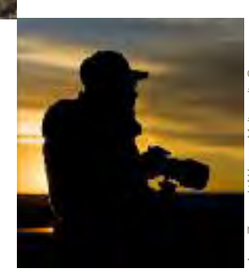
Matt Inden/Weaver Multimedia Group



Anna Zoromski/Weaver Multimedia Group

Letter Of Introduction

Our Land, Our Water, Our Future: a Conservation Plan for the Western Lower Arkansas Valley provides a framework to enhance the lives of those of us living and working in the western Lower Arkansas Valley through land and water conservation. The Plan was developed with broad community input and draws on existing scientific studies, plans, and geographic information systems (GIS) data to inform and support community objectives. A variety of stakeholders, including farmers, ranchers, biologists, elected officials, planners, education and business leaders, wildlife and water specialists, and conservation and resource management professionals, contributed to the Plan. A Regional Oversight Committee guided the planning process and vetted the strategies contained herein. Great Outdoors Colorado (GOCO), the Colorado Conservation Trust, and Palmer Land Trust provided funding for the Plan.

The Plan focuses on a 1.75-million acre landscape in the western Lower Arkansas Valley. Delineated by the Arkansas River and its southern tributaries, the Planning Area extends from Canon City in the west to Rocky Ford in the east, and from the City of Pueblo in the north to Colorado City in the south. It also includes the forested foothills of the Wet Mountains and the shortgrass prairie uplands east of the Fountain Creek-Arkansas River confluence. These uplands, the one portion of the Planning Area lying north of the Arkansas River, run between the towns of Boone and Sugar City to the El Paso and Lincoln county lines. The remainder of the Planning Area runs from the Arkansas River flood plain south. The Planning Area encompasses most of Pueblo County and portions of Fremont, Custer, Crowley, and Otero Counties. It builds upon an earlier planning effort to the north, summarized in the Peak to Prairie Conservation Plan.

Our Land, Our Water, Our Future advances a framework for achieving ten outcomes. Each outcome is given its own chapter, which details specific strategies to achieve that outcome. The Plan organizes the ten chapters into three sections. The Defining Attributes section puts forth strategies to protect what stakeholders believe are the region's most valued characteristics: vast expanses of shortgrass prairie, the heart of the longest river system in eastern Colorado, and a robust agricultural industry. The Conservation Drivers section looks at how the social and political landscape in the Planning Area shapes conservation work. It advances policy, capacity, and stewardship strategies necessary to preserve the Planning Area's defining attributes. Finally, preservation strategies are more fully explored in the Preservation Priorities section, which highlights priorities for ranchland, farmland, habitat, and scenery protection.

Out of a variety of diverse stakeholders, a shared vision emerged. Business leaders in Pueblo, farmers in Avondale, ranchers in Crowley, educators in Beulah, and tourism professionals in Fowler all recognize that our economy, our health, our quality of life, and our children's futures are tied to the land and water around us. Land, water, and people are our region's most important assets, and to protect one we must protect all three.

The Plan concludes with an implementation section that highlights potential partners for each strategy because this is not one organization's plan: this is the community's plan. On behalf of the Regional Oversight Committee, we thank the community for its involvement.

Jeff Chostner, Commissioner
Pueblo Board of County Commissioners

Scott Campbell, Executive Director
Palmer Land Trust

Conservation Planning Area

Map Legend

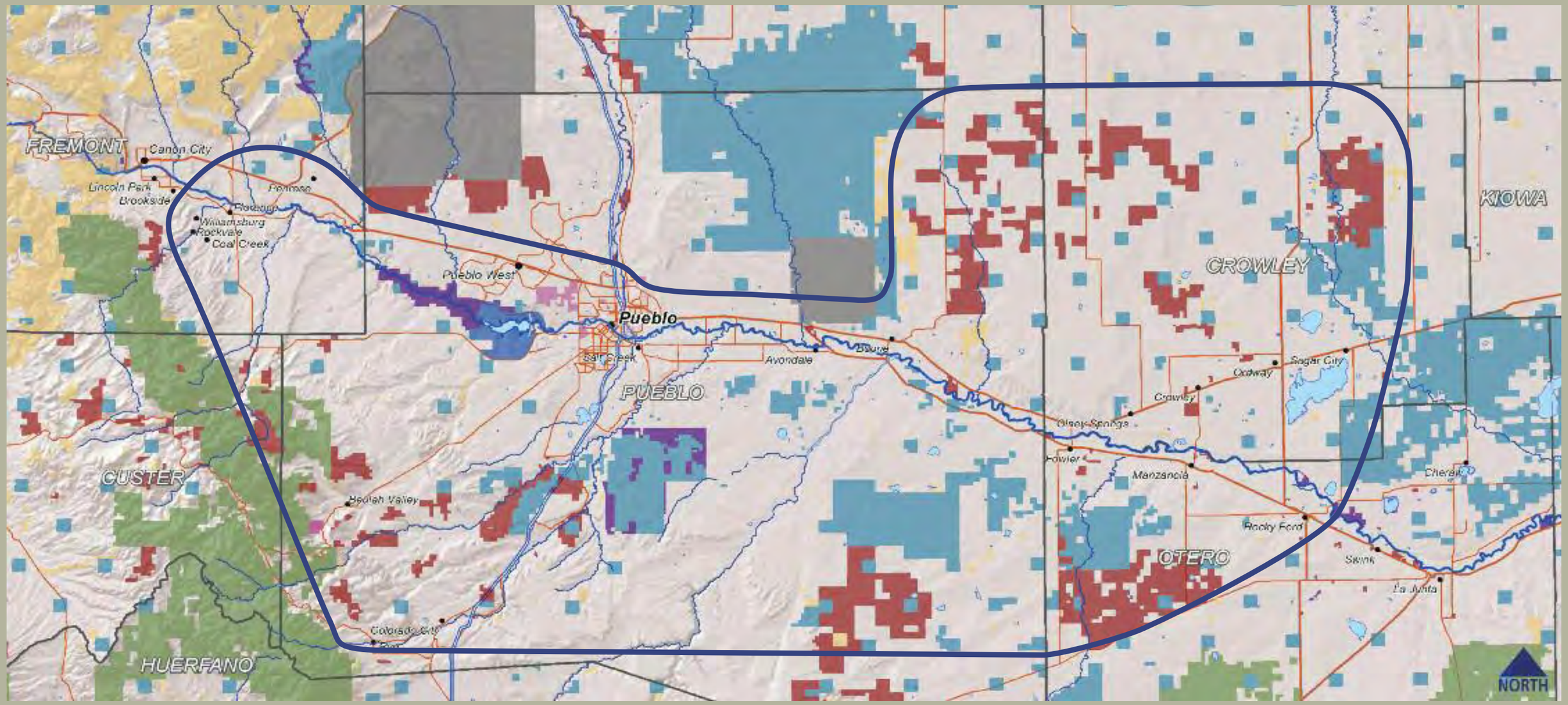
- Planning Area
- Military
- State Park
- Bureau of Land Management
- Forest Service
- CO Division of Wildlife
- State Land Board
- City
- Conservation Easements

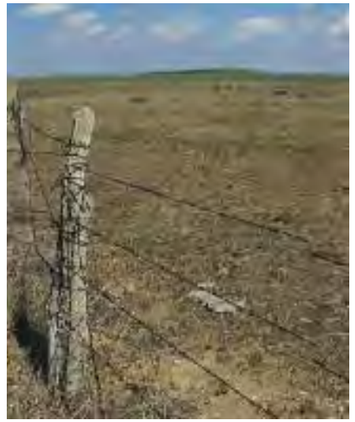
0 10 20 Miles

About This Map

The Conservation Planning Area map provides a general overview of the Planning Area that includes land ownership, political boundaries, locations of cities and towns, roads, and bodies of water. Public land ownership and private lands protected by conservation easements are derived from COMaP v.9 data (Lavender et al. 2011).

To the right: *Regional view of the Western Lower Arkansas Planning Area.*
To the far right: *Proximity of Planning Area to the Peak to Prairie Planning Area.*





The average large farm and ranch in Colorado shrinks by about 80 acres each year – an annual reduction four times greater than that experienced in any other state.

Colorado loses approximately 90,000 acres of open land each year. The average large farm and ranch shrinks by about 80 acres – an annual reduction four times greater than that experienced in any other state (Colorado Conservation Trust 2007). This puts agriculture, one of the state's two largest industry sectors, in a precarious position. The other top industry sector, tourism, may be just as compromised: unspoiled natural scenery and beautiful ranch and farm lands are the state's highest ranking attributes in terms of product delivery, according to studies commissioned by the Colorado Tourism Office (Longwoods International 2009). Land and water conservation, it would appear, is critical to the state's economic future.

Nowhere is this more apparent than in the western Lower Arkansas Valley, where 86% of the land is in private ownership, the majority of this in farming and ranching, and emerging threats create a conservation urgency that is unique in all of Colorado.[1] Population growth, exurban development, agricultural attrition, destruction of native prairie habitat, over-appropriation of water resources, financial challenges for farming and ranching families, the disappearance of globally significant ecosystems… these conditions threaten the livelihoods of all those who live and work in the area.

Our Land, Our Water, Our Future: a Conservation Plan for the Western Lower Arkansas Valley weaves together a dynamic vision for this region – where vibrant downtowns are complemented by a robust agricultural industry; where a river with water rights and water quality issues evolves into a model of western water conservation; where farms and ranches enrich the cultural landscape and new generations of farmers and ranchers have opportunities to thrive; where large-scale conservation sustains important habitat and ecological processes; and where beautiful views of the mountains and plains and abundant outdoor access inspire people to protect the places they love. Achieving this vision requires a powerful effort to preserve the region's defining attributes: grasslands, water, and agriculture. Effective policy, increased capacity, and vested stewardship have to drive conservation efforts at the local level. Priority ranchland, farmland, habitat, and scenic areas need to be protected.

Redwing Blackbirds
by Anna Zoromski/Weaver Mulitmedia Group

Defining Attributes

Prairie habitat defines the majority of the western Lower Arkansas Valley landscape. The temperate grasslands found here are among the least protected, most highly converted habitat types on Earth. Less than 5% of temperate grasslands are protected globally (Neely et al. 2006). In the Central Shortgrass Prairie Ecoregion – which includes the Planning Area and spans all of eastern Colorado and portions of six adjoining states – a high percentage of native grassland is still intact compared to other grassland areas in the US. Within the 1.75-million-acre Planning Area, however, the amount of intact native shortgrass prairie is exceptional: 70% is intact (US Geological Survey GAP 2012). This provides one of the greatest opportunities for grassland conservation in the country.

The Arkansas River, its tributaries, and the riparian habitat they support occupy only 2% of the Planning Area but are of no less importance (US Geological Survey GAP 2012). Since the 1970s, Front Range municipalities have acquired over 100,000 acre-feet of water for municipal use, drying up more than 78,000 acres of land in and around the Planning Area and contributing to the direct loss of nearly 800 jobs (LAVWCD 2012). Current consumptive needs of 250,000 acre-feet per year in this already over-appropriated system are projected to grow to between 350,000 and 425,000 acre-feet per year by 2050, creating one of Colorado's greatest conservation challenges (DCM 2010).

These grassland and water resources support farms and ranches that contribute significantly to local and state economies. In addition to a robust agricultural export business (Crowley County and Otero County rank 12th and 13th respectively in Colorado county agricultural sales), a locally based, self-reliant food economy is possible here (Colorado Department of Agriculture 2012b). The City of Pueblo is one of a few western metropolises where local food security can be achieved within a very short radius of the city. A commitment to local food production, processing, distribution, and consumption here can enhance rural and urban economies, human health, and natural ecosystems. Preserving the foundation of a productive ranching culture by protecting important grassland habitat, conserving water for farms while developing innovative solutions to meet growing demand and maintain in-stream flows, and investing in agricultural industries are three critical legs of a regional economic footstool.

Defining Attributes

Desired Outcomes

Vast, unbroken stretches of grasslands define the region, making it one of the largest expanses of intact native shortgrass prairie in the country.

The region's water resources are protected in ways that preserve habitat and maintain robust agricultural capacity.

The City of Pueblo is sustained by local agriculture; growing communities and urban centers throughout southeastern Colorado rely upon the area's farms and ranches.

[1] Acreage was calculated utilizing COMaP v9 data (Lavender et al. 2011).

Conservation Drivers

Desired Outcomes

Policies across all levels of local government support the protection of the region's land and water resources.

Robust human and financial capacity elevates regional conservation excellence.

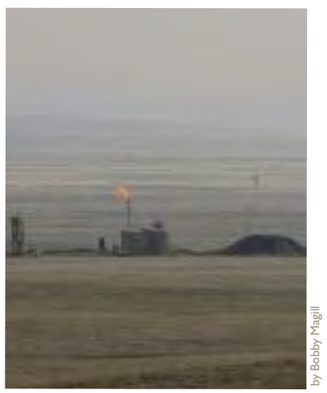
People revel in opportunities to experience and steward diverse landscapes.

Conservation Drivers

One of the greatest challenges to building this footstool is the rapid conversion of agricultural lands within the Planning Area to non-agricultural uses. This includes conversions where water is transferred off a purchased agricultural property in what is known as a "buy and dry" acquisition. Growth (both internal and external) is a significant conversion driver. Within the five counties that comprise the Planning Area, population is expected to increase 19% per decade, equating to 134,000 additional people by 2040. This is more than double the growth rate seen in the last fifty years (US Census Bureau 2012). The majority of growth will occur in Pueblo, Fremont, and Custer Counties, and how these counties grow and develop has huge economic implications for the region.

"True cost accounting" should provide a starting point for analyzing the merits of land use planning approaches with respect to growth. Does the approach make cities and counties richer or poorer? Investing in city buildings, urban renewal, downtown vitality, and high-density residential development produces one of the best tax returns on a per-acre basis and may provide one of the most successful formulas to conserve land and water. A recent study conducted in nine cities across four western states (including Rifle, Glenwood Springs, and Grand Junction, Colorado), demonstrates that mixed-use properties (such as downtown buildings) generate a 79% average increase in tax dollars per acre compared with single-use commercial properties (such as big box stores) (Sonoran Institute 2011). On the opposite end of the spectrum, 35-acre rural residential development has the most detrimental impact on the local tax base: for every tax dollar a 35-acre residence generates, counties incur, on average, $1.65 in infrastructure and service costs – making large-lot, exurban development a losing proposition (Davis 2006). Currently, Pueblo County faces significant economic risks in this regard; this county ranks eighth in the state in terms of large-lot residential conversion projected to occur by the year 2030 (Colorado Conservation Trust 2005).

Subdivision requirements that increase parcel size beyond 35 acres in priority conservation areas are one means of advancing land and water protection efforts, but they are certainly not the only one. Conversion of intact grasslands for dryland farming is just as significant a threat to shortgrass prairie and ranchland protection as exurban development. Commodity prices (including those driven by biofuels production) continue to encourage speculative dryland farming practices within the Planning Area, in spite of a history of detrimental ecological and economic consequences that stem from large-scale "sod-busting" in this arid region. Currently, 127,000 acres within the Planning Area are in dryland farming.[2] Crowley County has pioneered a "no-till" ordinance to protect intact grasslands, which could be replicated in other priority conservation areas within the Planning Area. Other conversion threats include land fragmentation, water consumption, and contamination impacts from oil, gas, and (proposed) nuclear energy development. Because the Planning Area possesses viable energy sources, less stringent air quality rules than other Front Range areas, a good rail system, and acquirable water resources, extensive energy development is possible.[3]



by Bobby Magill

Oil and gas development on the prairie.

Advancing the land-use goals of individuals and communities – whether to obtain greater control over the surface impacts of oil and gas development, protect water resources, or restrict unwanted development entirely – has been best accomplished in the Planning Area through the use of conservation easements. Conservation easements are the most effective land and water protection tool being used in the United States today. In addition to preserving habitat and scenic open spaces, they create a measure of sustainability for farmers and ranchers by permanently protecting agricultural landscapes, reducing or eliminating estate tax burdens, and keeping land affordable for new farmers and ranchers. By partnering with land trusts to protect priority landscapes, private landowners in the US are protecting 2 million acres each year with conservation easements (Land Trust Alliance 2010). In the Planning Area, over 130,000 acres are protected by conservation easements; however, use of this conservation tool has waned in recent years.[4] Problems associated with state tax-incentive programs for easement donations (corrected in 2008 through legislative reforms) and a lack of funding for easement purchases within the Planning Area has slowed conservation easement activity significantly.

35-acre rural residential development has the most detrimental impact on the local tax base: for every tax dollar a 35-acre residence generates, counties incur, on average, $1.65 in infrastructure and service costs.

Arkansas River, Pueblo Reservoir State Wildlife Area

[2] Estimates were based on total cropland less irrigated land for 100% Pueblo and Crowley Counties, 20% Freemont and Otero Counties, and 0% Custer County (US Department of Agriculture NASS 2012).
[3] The Planning Area is not currently classified as a 'Nonattainment' or 'Attainment/Maintenance' area according to the Department of Public Health and Environment Air Quality Control Commission.
[4] Acreage was calculated utilizing COMaP v9 data (Lavender et al. 2011).

Effective use of this largely private-sector driven, voluntary conservation tool can be revived by building funding, capacity, and confidence at the local level. Funding is often difficult to come by; however, in a poll of 400 Pueblo County residents, 77% said they would be willing to pay five cents a day to fund programs for land protection (Pueblo Area Council of Governments 2002). Voters throughout southeastern Colorado passed a mill levy in 2002, establishing the Lower Arkansas Valley Water Conservancy District (LAVWCD) and creating one of the first local conservation finance mechanisms to affect the Planning Area (LAVWCD 2011a). Local and national organizations are looking to support conservation professionals based within the region because of its global habitat significance. Together, these developments could advance a variety of opportunities to drive conservation and land-use planning efforts in manners congruent with local values and economic objectives.

Matt Inden/Weaver Multimedia Group

Local chiles for sale at a Rocky Ford vegetable stand

Preservation Priorities

The wellspring of land and water conservation interest within the Planning Area stems not only from concern over a variety of threats, but from a deep understanding of the manner in which the region's economy, human health, and opportunities for the next generation are tied to the preservation of the region's land and water resources. Protecting priority ranchland, farmland, habitat, and scenic areas through conservation easements, local ordinances, and effective land-use planning – and furthering a stewardship ethic by providing opportunities for people to deepen their appreciation of these landscapes – is essential to the region's future.

Because of the symbiotic relationship between a productive cattle industry and grassland health, ranchland conservation offers the greatest opportunity to protect the Planning Area's most profitable agricultural sector (approximately $160 million in annual livestock sales) and its largest expanse of significant habitat. Priority ranchland protection areas occur where the most productive or potentially productive ranches or ranching communities intersect with areas of exceptional shortgrass prairie landscape integrity. These include the: (1) Olney-Boone, (2) Crowley, (3) Apishapa River, (4) South Pueblo County, (5) Wet Mountain Foothills, and (6) Hardscrabble Creek priority areas *(see Ranchland Priorities Map, pgs 38-39)*.

Protection of priority farmland can preserve a triumvirate of water, riparian, and local food resources. Crops in the Planning Area account for $33 million in annual sales (US Department of Agriculture NASS 2012). Farms host a significant number of fragile riparian ecosystems, which exist across only 2% of the entire Planning Area (US Geological Survey GAP 2012). There are 68,000 irrigated acres within the Planning Area. Over 800 individual farms occupy these lands.[5] Priority farmland protection areas occur where soils are both prime (having optimal characteristics for crop production) and irrigated. These include the: (1) Avondale, (2) Fowler/Rocky Ford, (3) Crowley County, and (4) St. Charles Mesa priority areas and other small pockets of prime, irrigated farmland *(see Farmland Priorities Map, pgs 44-45)*.

Plant and animal life in and around priority protection areas warrants (and often attracts financial support for) further conservation efforts. A stopping point for migratory birds along the Central Flyway, the Planning Area hosts an incredible complement of transient and resident North American bird species and serves as a launching point for the Colorado Birding Trail. Several globally imperiled rare plants (round leaf four-o'clock, golden blazing star, and Pueblo goldenweed) are found here and nowhere else in the world. The southern end of the Planning Area, combined with an adjoining landscape, contains the largest, most contiguous black-tailed prairie dog complexes and the highest densities of mountain plover in Colorado. This area also contains the greatest diversity of reptile and amphibian species and the most intact complement of large mammal species on Colorado's eastern plains. According to the Colorado Natural Heritage Program, 62% of the entire Planning Area is considered to possess high (B3) to outstanding (B1) biodiversity significance. Across the entire state, only 25% of lands fall into this category (Colorado Natural Heritage Program 2012) *(see Habitat Priorities Map, pgs 50-51)*.

The ecological and economic significance of land and water resources in the western Lower Arkansas Valley cannot be overstated. Similarly, the diminution of viable agricultural lands, natural lands, and water resources and the correlating spread of poverty can no longer be considered unrelated. As of 2010, the Planning Area contains some of the country's highest poverty rates in the country (nearly 35% in some counties) and all counties in the Planning Area have poverty rates above the state average (US Department of Agriculture ERS 2011). Conservation is central to the region's future. Land, water, and people are the western Lower Arkansas Valley's most important assets. To protect one, communities must protect all three.

Anna Zoromski / Weaver Multimedia Group

Historic Arkansas Riverwalk of Pueblo

Preservation Priorities

Desired Outcomes

Ranchers are strengthened by conservation and innovation.

A thriving farm community is prominent in the local economy and enriches the cultural landscape.

Protected lands support viable populations of significant species and create contiguity for biologically diverse ecological communities.

Inspiring, unencumbered views of mountains, rivers, and prairies dominate the region.

[5] Estimates were based on number of farms and acreage of irrigated land on 100% Pueblo and Crowley Counties, 20% Freemont and Otero Counties, and 0% Custer County (US Department of Agriculture NASS 2012).

Grasslands

Goal

Lay a foundation to ensure that more than 65% of the region is defined by native shortgrass prairie now and into the future.

Strategy

Convey the significance of the region's shortgrass prairie habitat to diverse constituent groups.

Encourage Conservation Reserve Program (CRP) lease renewals or other means of conserving lands currently enrolled in CRP.

Encourage conservation easements with no-till provisions on dryland prairie.

Outcome

Vast, unbroken stretches of grasslands define the region, making it one of the largest expanses of intact native shortgrass prairie in the country.

According to The Nature Conservancy's (TNC) *Central Shortgrass Prairie Ecoregional Assessment*, temperate grasslands such as those in the Central Shortgrass Prairie are one of the least protected, most highly converted major habitat types on Earth. Less than 5% of temperate grasslands are protected globally. The Assessment estimates that 50% of the Central Shortgrass Prairie ecoregion's 56 million acres remain intact native prairie – a high percentage compared with other grassland ecoregions. Within the 1.75-million acre Planning Area, however, the percentage is even higher: 70% of the prairie grasslands are intact, providing one of the country's great opportunities for grassland conservation (US Geological Survey GAP 2012). Temperate grasslands provide a diversity of ecological and economic benefits including forage for livestock, flood protection, wildlife habitat, air purification, carbon sequestration, and aesthetically appealing open spaces. Conveying the significance of the shortgrass prairie and the unique opportunity for protection within the Planning Area is essential.

The Central Shortgrass Prairie Ecoregion occupies all of eastern Colorado and portions of southeastern Wyoming, western Kansas and Nebraska, the Panhandles of Oklahoma and Texas, and northeastern New Mexico. Principle shortgrass prairie grass species include buffalo grass (*Buchloe dactyloides*), blue grama (*Bouteloua gracilis*), and western wheatgrass (*Pascopyrum smithii*). In the Planning Area, pockets of other plant communities inhabit the shortgrass prairie landscape. These include mixed-grass prairie, xeric tallgrass prairie, sandhill shrublands, pinyon-juniper woodlands, oak and mountain mahogany shrublands, and a variety of riparian shrublands and woodlands along rivers and streams (Neely et al. 2006).

Today, conversion of intact grasslands for dryland farming is the greatest threat to the shortgrass prairie ecosystem.[6] Despite the significant and continuing impacts of what may be the greatest preventable manmade ecological disaster in the history of the United States – the Dust Bowl – commodity prices (including those driven by biofuels production) and speculation on production highs during intermittent wet years continue to impact significant portions of the Planning Area. Approximately

Matt Inden/Weaver Multimedia Group

Matt Inden/Weaver Multimedia Group

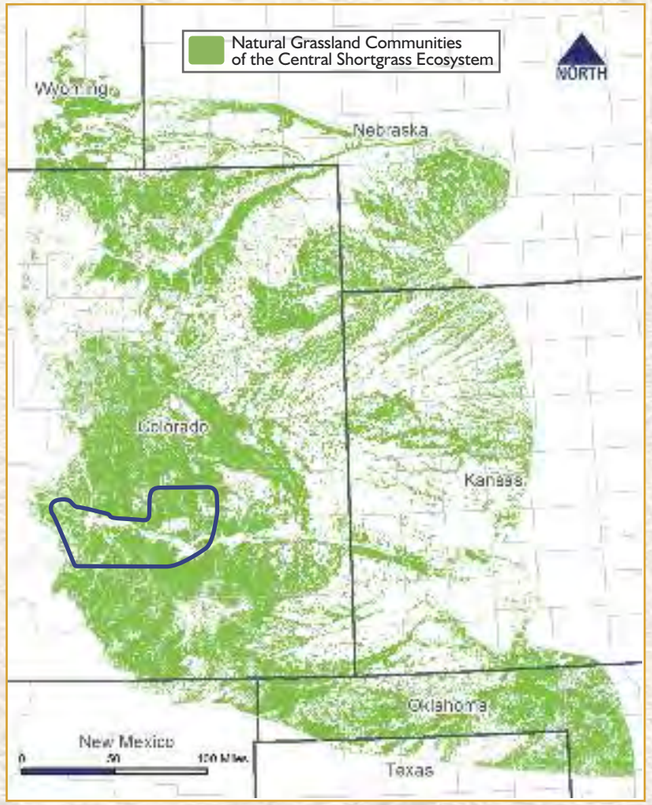
[6] Other threats to grasslands include the spread of noxious weeds and land fragmentation from development, oil, and gas. The oil and gas industry's expansion across the Niobrara formation may impact the northern portion of the Planning Area. When well pads, roads, processing facilities and other infrastructure components are not limited through appropriate surface use agreements, the impact on grasslands is significant. Landowners, local governments, and conservation groups with deeded interests on prairie lands have varying degrees of ability to limit these surface impacts.

Grasslands

127,000 acres of land in the Planning Area are currently in dryland farming, the majority of which are located in western Pueblo County and eastern Crowley County.[7] Wind erosion on dryland farms can lead to deposition of sand and soil, and lost productivity on adjacent ranches, while large-scale dryland farming can cause severe dust storms and catastrophic erosion and sedimentation across much larger areas.

The CRP of the US Department of Agriculture has been utilized in the Planning Area to restore and protect grasslands areas that have been farmed. Stakeholders in the Planning Area want to see these grasslands remain in CRP or be protected through other measures. CRP is a rental and cost share program that restores and conserves cover on eligible (erodible) farmlands. Typical CRP leases in the Planning Area last for ten years and are renewable. However, future funding for CRP is uncertain. Other efforts to conserve rangeland and to prevent plowing of erodible soils for lands that come out of CRP may be required. These include conservation easements with no-till provisions.[8] Currently, approximately 61,000 acres of lands are enrolled in CRP in the Planning Area.[9]

Within the 175-million acre Planning Area… 70% of the prairie grasslands are intact, providing one of the country's great opportunities for grassland conservation.



[7] Estimates were based on total cropland less irrigated land for 100% Pueblo and Crowley Counties, 20% Freemont and Otero Counties, and 0% Custer County (US Department of Agriculture NASS 2012).

[8] Currently, large ranches encompassing thousands of acres of grasslands within the Planning Area are protected by conservation easements that do not explicitly prohibit dryland farming. Land trusts should work with landowners to amend those easements in order to prohibit sod-busting on non-irrigated lands and better protect the grassland habitat.

[9] Estimates were based on lands enrolled in Conservation Reserve, Wetlands Reserve, Farmable Wetlands, or Conservation Reserve Enhancement Programs for 100% Pueblo and Crowley Counties, 20% Freemont and Otero Counties, and 0% Custer County (US Department of Agriculture NASS 2012).

Stephen G. Weaver/Earth Systems Imaging

Water

Goal

Protect the region's water rights while maintaining adaptability within a changing natural and cultural landscape.

Strategy

Tie local water rights to local land with conservation easements or other mechanisms.

Pilot alternative transfer programs that steer away from traditional "buy and dry" approaches.

Ensure the emerging Arkansas River Decision Support System provides adequate protection of local water resources for agriculture and habitat given increasing demand from outside the area.

Outcome

The region's water resources are protected in ways that preserve habitat and maintain robust agricultural capacity.

The Arkansas River is considered an over-appropriated system with a continuous call on the river. No water is available for new uses, yet a nearly constant demand exists for supplemental water. Since the 1970s, Front Range municipalities have acquired over 100,000 acre-feet of water for municipal use, drying up more than 78,000 acres of land in and around the Planning Area and contributing to the direct loss of nearly 800 jobs (LAVWCD 2011a). Transfers from 1950 to the present either have already or could potentially remove water from one-third of the historically irrigated land in the Colorado portion of the Arkansas River basin – nearly 150,000 of 450,000 acres (Woodka 2010). The basin faces continuing threats to water resources, both internal and external. These include: growing municipal demand internally; increasing industrial demand (including energy production – oil, natural gas, and proposed nuclear production all require extensive amounts of water); and growing external demand for interbasin transfers.

The Arkansas River Compact of 1948 allocates 60% of the Arkansas River's waters to Colorado and 40% to Kansas. Current consumptive needs within the Colorado Arkansas River basin are 250,000 acre-feet per year; these needs are projected to grow to between 350,000 and 425,000 acre-feet per year by 2050, despite the fact that no water is available for new uses (DCM 2010). The Arkansas Basin Statewide Water Supply Initiative (SWSI) identifies four approaches to meet future demands on water in the region: (1) active and passive conservation, (2) development of Colorado River supplies,[10] (3) implementation of identified water projects,[11] and (4) alternative agricultural transfers. A priority among both rural and urban stakeholders in the Planning Area is to maintain water for agriculture. Secondary concerns include improving and maintaining water quality and ensuring that enough capacity is retained to support both effective ecological processes and provide for the needs of local municipalities.[12]

Bessemer Ditch near St. Charles River

Protecting the region's water rights while maintaining adaptability within a changing natural and cultural landscape requires broad collaboration. Three entities are apropos to this effort. In 1958, the Southeast Colorado Water Conservation District (SCWCD) was established for the purpose of developing and administering the Fryingpan-Arkansas Project. The District extends along the Arkansas River from Buena Vista to Lamar, and along Fountain Creek from Colorado Springs to Pueblo (SCWCD 2012). In 2002, continued and intensified demands on water led to the establishment of the Lower Arkansas Valley Water Conservancy District. The LAVWCD mission is to acquire, retain, and conserve water resources, to encourage the use of water for socio-economic benefit of the citizens, and to participate in water projects that embody thoughtful conservation, responsible growth, and beneficial water usage (LAVWCD 2012). LAVWCD holds conservation easements on land with and without water rights. In 2005, the *Colorado Water for the 21st Century Act* established regional water basin roundtables. The basin roundtables facilitate discussions on water issues and encourage locally driven collaborative solutions. The Arkansas Basin Roundtable's priorities are to maintain agricultural viability in the lower basin, provide for in-basin augmentation in the upper basin, provide for adequate water quality to meet all current needs, and ensure adequate water supplies for future needs (Colorado Water Conservation Board 2012). There are many advocates for urban water demands – the roundtable is a means to make sure environmental, recreational, and agricultural interests are adequately addressed.

Prior to the 2002 ballot initiative that established the LAVWCD, polling commissioned by the environmental engineering and consulting firm, Brown and Caldwell, illuminated strong public opinion around the issue of water:

- **34%** ranked water/drought as the top issue of the day
- **11%** ranked education second in importance
- **10%** ranked jobs/economy third in importance
- **90%** disapproved of out-of-basin water sales
- **82%** approved the conservancy district formation
- **84%** thought it was important to keep water in farming and ranching to ensure the region's future economic wellbeing (LAVWCD 2011a).

In spite of recessionary times and cuts to education, stakeholders within the Planning Area today embrace these same priorities. Stakeholders propose creative temporary and permanent solutions to the issues of water resource protection, including piloting alternative transfer programs that steer away from traditional "buy and dry"

[10] The Fryingpan-Arkansas Project is the largest transmountain water diversion project completed in the Arkansas River basin to date. The project consists of diversion, conveyance, and storage facilities designed primarily to divert water from Colorado River tributaries on the western slope for use in water-short areas in the Arkansas River basin. Approximately 69,000 acre-feet of water from the Fryingpan River and other tributaries are diverted each year. These diversions, along with Arkansas River basin water supplies stored in project reservoirs, provide an average annual water supply of 80,400 acre-feet for municipal and industrial use and the supplemental irrigation of 280,600 acres in the Arkansas Valley. The Pueblo Reservoir is the terminal storage feature for the project, storing up to 357,678 acre-feet.

[11] The new projects that address water concerns in the basin identified by the Arkansas Basin SWSI, include the Southern Delivery System (SDS) and the Preferred Storage Option Plan (PSOP). SDS is a regional project designed to deliver water from the Arkansas River stored in the Pueblo Reservoir. PSOP seeks to enlarge the Pueblo Reservoir by 75,000 acre-feet and the Turquoise Reservoir by 19,000 acre-feet. Another project, the Arkansas Valley Conduit, is designed to improve water quality supplies to Lower Arkansas Valley communities that are affected by minerals and salts in the river channel due to the cumulative effects of return flows on downstream users. The conduit is designed to deliver Fryingpan-Arkansas water from the Pueblo Reservoir eastward to these communities.

[12] These include recreational uses such as the Colorado Parks and Wildlife's annual lease to maintain instream flows below Pueblo reservoir to protect the fishery.

Water

The West is losing between 2 to 4.5 million acre-feet of water per year to tamarisk – enough water to supply more than 20 million people with water for one year or irrigate over 1,000,000 acres of land.

approaches, promoting the reduction of water demand through conservation and control of non-native phreatophytes (such as tamarisk), tying local water rights to local land with conservation easements, and ensuring that the emerging Arkansas River Decision Support System (ArkDSS), like the Roundtable, provides adequate protection of local water resources for agriculture and habitat within the Planning Area given increasing demand from outside the area.

Interruptible agricultural transfers (temporary arrangements in which agricultural water rights can be used for other purposes), rotating agricultural transfers with storage (in which interruptible agricultural transfers affecting several agricultural parties are used to benefit one or more municipal or industrial users), and water banking (short-term leases to water storage facilities that don't permanently transfer water rights) can all be used to steer away from "buy and dry" approaches. Shareholders in six major ditch companies in the lower Arkansas River basin formed the Lower Arkansas Valley Super Ditch Company, which is facilitating temporary leases of water to municipalities and other water providers. Participating irrigators will forego irrigation of some of their lands to allow the water to be used by the cities, while the majority of the lands will remain in irrigation each year. The end result of these leases is that cities obtain the water they need while farmers and other water shareholders retain ownership.

Conservation of municipal and industrial water can also improve efficiencies to reduce demand. The five counties encompassing the Planning Area currently provide a basic level of conservation programs. Additional conservation measures could reduce consumptive needs by 16% to 41% (DCM 2006). In Montana, such measures have restored instream flows on key river systems such as Racetrack Creek, a tributary of the Clark Fork which had run dry nearly every summer for 100 years and is now a restored and functioning trout fishery once again (Bates 2012).

Control of non-native phreatophytes such as tamarisk can further water conservation measures. Studies show that a mature tamarisk uptakes nearly 200 gallons of water per day. Although native trees in wet riparian areas use more or less the same amount of water, tamarisk density is much higher. The West is losing between 2 and 4.5 million acre-feet of water per year to tamarisk – enough water to supply more than 20 million people with water for one year or irrigate over 1,000,000 acres of land (Arkansas River Watershed Invasive Plant Plan 2008). Tamarisk tree removal also helps re-establish native riparian communities, reduces leaching, and improves water quality by reducing salinity.

A need has been identified to develop a Decision Support System (DSS) for the Arkansas River Basin. A DSS is an accumulation of information and tools to facilitate informed decision making on water use and allocation. The DSS is used by state agencies, water providers, and water users. Colorado has developed a DSS on the Colorado and Rio Grande Rivers, and a DSS is in progress for the South Platte. A new feasibility study, the first step in the development of a DSS for the Arkansas River, recommends moving forward with the development of the ArkDSS (Brown and Caldwell 2011). This recommendation is currently before the Colorado General Assembly. If the General Assembly approves, regional leaders in the Planning Area should highlight stakeholder priorities identified by Brown and Caldwell and this Plan.

Jim Wark/Airphoto

Agriculture

Goal ***Increase local food supplies to growing communities and urban centers; achieve local food security.***

Strategy *Raise awareness of the value and significance of local agriculture to local, regional, and state economies.*

Market local agriculture through conservation organizations while simultaneously marketing farm and ranch land protection through agricultural venues.

Goal ***Improve the economic viability of family farms and ranches.***

Strategy *Forge stronger relationships between consumers and agricultural producers.*

Connect families in agriculture with emerging value-added opportunities.

Outcome ***The City of Pueblo is sustained by local agriculture; growing communities and urban centers throughout southeastern Colorado rely upon the area's farms and ranches.***

Ranchland in shortgrass prairie of Crowley County

The current global food system results in the average food item traveling more than 1,500 miles from farm to table (Pirog et al. 2001). As a result, people are less connected to farms and ranches than ever before. Fluctuations in oil prices, and the resulting effects on transportation, infrastructure, and fertilizer costs can escalate food prices significantly, as was seen in 2008 when the US food-at-home Consumer Price Index increased 6.4% in one year and global food prices skyrocketed (US Department of Agriculture FPO 2012). Poor communities, disenfranchised from local food supplies, are most heavily impacted by food price increases. Within the Planning Area, poverty rates well above the state average of 13.2% – from 15% in Custer County to 34.7% in Crowley County – put people at risk (US Department of Agriculture ERS 2011). However, Otero, Crowley, and Pueblo Counties rank number 12, 13, and 24 respectively of all Colorado counties in agricultural sales, creating an opportunity to integrate food security, poverty reduction, and farm and ranch land preservation efforts by building a strong economy around local agriculture (Colorado Department of Agriculture 2012b).

Stakeholders in the Planning Area advance a bold vision for a locally based, self-reliant food economy – one in which integrated food production, processing, distribution, and consumption enhance ecological, economic, and human health. The greatest threat to achieving this vision is the rapid conversion of agricultural lands within the planning area to non-agricultural uses. The average size of farm and ranch lands in Colorado shrinks by more than 80 acres each year, according to USDA census reports – a reduction four times greater than that experienced in the state with the next greatest loss (Colorado Conservation Trust 2007). Pueblo County is one the state's most at-risk counties in terms of agricultural land loss: the county ranks eighth in the state in terms of large-lot residential conversion projected to occur by the year 2030 (Colorado Conservation Trust 2005). When non-agricultural uses of farm and ranch land, or the waters associated with that land, are valued higher than the production value of that land, there is a significant risk of conversion. When agricultural land is lost, core infrastructure for farming and ranching also retreats, increasing the cost burdens for remaining producers. This, in turn, magnifies the conversion effect. Within the last decade, farmland on St. Charles Mesa has been consumed by exurban development. Likewise, large ranches have been converted into rural residential subdivisions.

When agricultural land is lost, core infrastructure for farming and ranching also retreats, increasing the cost burdens for remaining producers.

According to the 2007 USDA Census of Agriculture, the market value of crops and livestock within the planning area was $33 million and $160 million respectively.[13] Agriculture is one of the largest industry sectors in both Colorado and the Planning Area and the impact of agricultural land loss on local and state economies is significant. Raising the awareness of the economic significance of local agriculture is critical. Local governments, conservation districts, agricultural associations, education centers, chambers of commerce, and visitors' bureaus all play a role in emphasizing the economic importance of the region's farms and ranches. Stakeholders would like to see an aggressive marketing plan to raise awareness of the region's agriculture assets.

Advances in farmers' markets and community supported agriculture (CSAs) are doing much to expand local agriculture and establish relationships between rural growers and urban consumers. The number of farmers' markets in the country has tripled over the past 15 years. There are eleven farmers' markets in urban centers south of the Palmer Divide, including two in the City of Pueblo and five in Colorado Springs (Farmers Market Online 2012). There are currently at least 4 CSAs serving Pueblo and a number of farms where consumers can buy direct from the

[13] Crop value estimates were based on 100% Pueblo and Crowley Counties, 50% Freemont and Otero Counties, and 0% Custer County. Livestock value estimates were based on 100% Pueblo and Crowley Counties, 20% Freemont and Otero Counties, and 0% Custer County (US Department of Agriculture NASS 2012).

Agriculture

producer. Greater efforts are needed to secure local food in restaurants, schools, and hospitals. Stakeholders say these industry groups have expressed interest in incorporating local foods, but need predictable and reliable local sources. The launch of "food hubs" and "commercial kitchens" in Avondale and Canon City are good first steps in this direction.

An untapped opportunity exists in the Planning Area to establish mutually beneficial relationships between agricultural associations and the conservation community. The Colorado State Fair, Arkansas Valley Organic Growers Association, Rocky Mountain Farmers Union, New-Farms, Colorado Department of Agriculture, Peak to Plains Alliance, and the Central Colorado Foodshed Alliance can all serve as vehicles to market farm and ranch land conservation. Conservation organizations that invest resources to protect farms and ranches are connected with and supported by a variety of stakeholders who are predisposed to local food production. By marketing local producers who sell directly to consumers, conservation organizations can contribute to more viable operations and help consumers and agricultural producers build closer relationships.[14]

Beki Javernick-Guion

Even local tourism groups can help connect producers and consumers and contribute to the viability of farms and ranches through value-added agriculture. Value-added agriculture replaces the paradigm of farmers and ranchers producing only raw commodities with new opportunities to deliver products (through direct sales) and experiences (through agritourism) directly to the consumer. Value-added agriculture diversifies income streams and builds a stronger understanding of and appreciation for local agriculture. The broader southeastern Colorado region provides a recent example: spanned by Central Flyway and boasting one of the greatest concentrations of North American bird species on the continent, the Colorado Birding Trail (CBT), a public-private partnership effort, launched here, despite the fact that nearly 85% of the land encompassed by southeastern Colorado CBT trails is in private ownership.[15] Today, nearly 40% of the bird watching sites along southeastern CBT trails are on private lands (Colorado Birding Trail 2012). Many ranchers offer access for a fee, guest quarters, or guided tours to groups of national and international visitors. Other forms of cultural travel are increasing in the area, and groups like Southeast Colorado Regional Tourism Group are attempting to connect travelers with authentic, high-quality experiences across the area's farms and ranches. In addition, specialty-product sales in the Planning Area appear to be increasing. Buyers of these products pay a higher price than traditional commodities will fetch. These efforts all have significant statewide support: Colorado's economic development plan, *Colorado Blueprint*, calls for development of agricultural, heritage, and cultural tourism opportunities across the state in ways that strengthen existing industries and create jobs.

[14] Through their ability to protect land in agricultural production or preserve it for future production, land trusts and local governments play significant roles in food security. While purchases and long-term leases offer some protection from future development, conservation easements are the most effective land preservation tool that land trusts and local governments can use to conserve farm and ranch land. According to a 2005 Colorado Conservation Trust report, 60% of the land in Colorado protected by land trusts and local governments is preserved through conservation easements. By tying water rights to the land, easements also protect habitat and guarantee future production potential. Property owners placing conservation easements on their land usually receive some financial benefit, either from a conservation buyer that purchases the easement, or from state and federal tax incentives for easement donations, or both. These financial incentives enable property owners to further invest in agricultural production; the easements keep agricultural land affordable – allowing new farmers and ranchers to purchase land in and around growing communities where non-agricultural land values are escalating.

[15] Acreages were calculated utilizing COMaP v9 data (Lavender et al. 2011).

Conservation Drivers *Policy*

Goal

Advance land and water protection efforts through local land use planning.

Strategy

Ensure that local government master plans identify the Central Shortgrass Prairie as an ecologically and economically important resource.

Ensure that local government master plans enable farmers and ranchers to qualify for state and federal conservation easement tax incentives by calling for farm and ranch land protection – and that local leaders advocate for these incentives.

Explore the feasibility of enacting subdivision requirements that increase parcel size beyond 35 acres in priority conservation areas.

Replicate Crowley County's no-till ordinance in priority shortgrass prairie conservation areas.

Prioritize protection of open-space buffers around city limits.

Support conservation in rural areas by promoting high-density urban growth and downtown vitality.

Outcome

Policies across all levels of local government support the protection of the region's land and water resources.

Anna Zoromski / Weaver Multimedia Group

The Colorado Land Use Enabling Act was enacted by the General Assembly in 1974, in recognition of the fact that "rapid growth and uncontrolled development may destroy Colorado's great resource of natural, scenic, and recreational wealth" (Colorado Department of Public Affairs 2012). The Act broadly empowers local governments to plan for and regulate land use within their jurisdictions. Comprehensive or master plans are the most common type of plans resulting from this act that focus on land use. In addition to providing a regulatory framework, these plans enable farmers and ranchers to qualify for state and federal conservation easement tax incentives when farm and ranch land protection is called for. According to the Internal Revenue Code, identification in local planning creates eligibility.[16] As such, local government officials play an important role in advocating for the continued availability of these incentives.

In the Planning Area, Pueblo, Custer, and Fremont counties have regional comprehensive plans, all of which were developed in 2002. These plans are in general accord regarding the importance of protecting the ecological, scenic, and agricultural attributes of each county. A priority interest among stakeholders is to explore the feasibility of enacting local land use regulations that limit 35-acre subdivision in priority conservation areas. Since the Colorado Legislature passed Senate Bill 35 (often referred to as the "35-acre rule") in 1972, counties have been required to adopt subdivision regulations for parcels smaller than 35 acres; parcels of 35 acres or more are exempt from the requirement (Colorado Department of Public Affairs 2012). The 35-acre exemption has dramatically increased the amount of agricultural land consumed annually by rural subdivision. According to David Theobald, Research Scientist and Assistant Professor at Colorado State University, as of 2000, the provision has led to the conversion of 2.5 million rural acres into residential tracts statewide. Without changes to the law, Theobald predicts that by 2030, the figure will double to five million acres (Olinger 2003). Studies show that large-lot rural subdivision has strained the services of rural communities and counties that provide water, sewage, road building and maintenance, school and bus services, and police and fire protection. The cost of providing these services exceeds the tax revenue generated by such developments: for every tax dollar they bring in, 35-acre rural developments in Colorado create $1.65 in infrastructure costs (Davis 2006).

Density zoning is one approach to curb 35-acre development in priority landscapes. One of the earliest examples – and the one closest to the Planning Area – lies in the Wet Mountain Valley, in Custer County. The Valley is zoned 80 acres, meaning that no more than one residential unit per 80 acres of land is allowed. The ordinance was enacted in the 1970's by the local planning commission. While the goal of the ordinance is to protect large expanses of agricultural land from fragmentation – acknowledging that for ranching to be viable it must operate at scale – creators of the ordinance would later conclude that limiting valley development to one residential structure per 80 acres was too lenient. In Jefferson County, Montana, ranchers arrived at the same conclusion and enacted their own restrictions to limit residential units to one per 640 acres (Wilkinson 2004). Other examples of density zoning in Colorado are found in Adams, Elbert, Jackson, Morgan, Pitkin, Rio Blanco, Summit, and Weld counties, with minimum lot sizes ranging from 60 to 160 acres. In *County Perspectives: A Report on 35-acre Subdivision Exemption in Colorado*, Colorado Counties, Inc., identifies other methods Colorado counties are using to control

Rapid growth and uncontrolled development may destroy Colorado's great resource of natural, scenic, and recreational wealth.

Colorado Land Use Enabling Act

Matt Inden / Weaver Multimedia Group

Historic Vail Hotel, Pueblo

[16] Section 170(h)(4)(A) of the Internal Revenue Code and Section 1.170A-14(d) of the Treasury Regulations.

Policy

Exurban development on ranchland south of Pueblo

35-acre subdivision, including growth management regulations, cluster developments, transferable development rights, 1041 powers, site plan review, and voluntary submission to review (Davis 2006).

Stakeholders also cite examples of existing local ordinances that, if adopted in priority conservation zones within the Planning Area, could do much to advance the protection of the region's defining attributes. One example is Crowley County's no-till ordinance. Responding to repeated issues of soil erosion stemming from dryland farming, the Crowley County Board of County Commissioners and Planning Commission deemed it necessary to regulate plowing and cultivation of native rangeland in unincorporated areas of Crowley County. The county enacted a no-till ordinance in 1988, establishing requirements for anyone seeking to cultivate or plow native rangeland that had not been cultivated prior to 1985. Today, permits for new plowing or cultivating are difficult to obtain. Only those proposals that include irrigation are considered feasible and any application for a new plowing or cultivation project must be accompanied by a Natural Resource Conservation Service management plan. Stakeholders wish to see similar regulations enacted in Pueblo and other counties in the Planning Area.

Using a regulatory framework to support the protection of the region's land and water requires informed and sensitive property rights discussions. At the same time, in the *Pueblo Regional Development Plan*, 94% of 400 residents polled agreed with the statement that "local government should take the initiative to guide growth within the Pueblo Region," while only 37% agreed with the statement that "private developers and the market should determine future growth in the Pueblo region." Similar sentiments were expressed by stakeholders throughout the planning area. *A Prospectus for Open Space Protection in Pueblo County* summarizes the matter succinctly: "Communities have always controlled land use to protect the greater good of the community, and development proposals that are incompatible with local values and standards are routinely denied or precluded by zoning. It is as much the responsibility of local government to protect the community, business interests, and adjacent landowners from undesirable development proposals, as it is their duty to ensure that the development rights of landowners are not unduly restricted."

Of course, regulatory frameworks need not always be preclusive; they may also encourage favorable development scenarios. The majority of population growth increase in the Planning Area is projected to occur around Pueblo, Pueblo West, and Canon City (US Census Bureau 2012). Stakeholders in the planning process believe urban vitality is an essential component of limiting suburban sprawl. By attracting growing populations to city centers, threats to rural landscapes can be minimized. Currently, numerous groups are spearheading urban renewal, economic and cultural vitality, aesthetic enhancement, and livability efforts in downtown Pueblo. The Pueblo Urban Renewal Authority is pursuing the economic revitalization of designated areas within the City of Pueblo, working with the City, Pueblo County, the Historic Arkansas Riverwalk Authority of Pueblo, the Pueblo Chamber of Commerce, and private sector entities. Stakeholders encourage continued efforts to promote urban density and downtown vitality.

Capacity

Goal	***Empower people to advance locally driven conservation efforts.***
Strategy	*Hire a locally based land and water conservation professional to serve multiple stakeholder groups.* *Establish a steering committee to guide and strengthen local conservation efforts.* *Establish clearinghouses of relevant conservation studies, plans, and tools to be used by local stakeholders.*
Goal	***Grow conservation funding streams in the area.***
Strategy	*Explore the creation of a local conservation funding mechanism.* *Increase outside investments for conservation in the Planning Area.*
Outcome	***Robust human and financial capacity elevates regional conservation excellence.***

According to the Colorado Conservation Trust, Colorado loses more than 90,000 acres of open land each year (Colorado Conservation Trust 2007). Pueblo County is one of twelve counties in the state with "high potential threat but limited capacity [to protect land and water resources]" (Colorado Conservation Trust 2005). The Prospectus for Open Space Protection in Pueblo County shows the City of Pueblo and Pueblo County's combined fee title interest in lands managed as open space was, at the end of 2003, approximately 3,600 acres, and conservation easements protected barely more than 5,800 acres of private lands at that time. Today, while the amount of city- and county-owned open space has not significantly increased, an estimated 98,181 acres of private lands are protected by conservation easements in Pueblo County. Across the entire Planning Area, easement-protected acreage increased from an estimated 29,909 acres at the end of 2003 to an estimated 132,794 acres by the end of 2010, spurred largely by a legislative change allowing the transfer (sale) of Colorado tax credits for conservation easement donations.[17]

Most of the increase in conservation easement-protected lands occurred between 2002 and 2007. During this time, Colorado's conservation community began to conserve more land each year than was being lost to development, oil, or gas (Colorado Conservation Trust 2007). However, a substantial waning in conservation activity began in 2008, and today, the number of conservation transactions in the planning area is at one of its lowest points since 2002.[18] The number of acres conserved in recent years has also declined, with the exception of one large ranch conservation project that increased the total acreage figure in 2010.

Urban growth projections in and around Pueblo, over-appropriation of water resources on eastern Colorado's largest river system, and threats to one of the most intact expanses of native prairie within the Central Shortgrass Prairie Ecoregion all

[17] Acreages were calculated utilizing COMaP v9 data (Lavender et al. 2011).

[18] Several issues contributed to this decline. Prior to 2008, the State of Colorado had no internal process enabling state regulators to review conservation easement appraisals. Questionable transactions resulted in Internal Revenue Service and Colorado Department of Revenue audits affecting hundreds of landowners across the state, many in the Planning Area. A lack of industry standards for conservation easement holders created wide disparities in the quality of conservation transactions. Tax abuses by pseudo "conservation organizations" and opportunists cost the state tens of millions of dollars and created legal and financial liabilities for many landowners. Legislative reforms were enacted in 2008, but doubts spurred by past problems slowed conservation activity considerably.

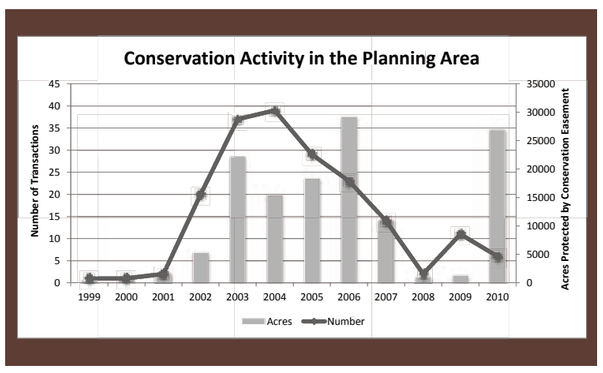
Capacity

In the Planning Area, over 130,000 acres are protected by conservation easements; however, use of this conservation tool has waned in recent years.

create a conservation urgency in the Planning Area that is unique in eastern Colorado. Stakeholders believe that increasing the pace, quality, and permanence of conservation efforts within the Planning Area is essential and requires greater human and financial capacity at the local level. Securing conservation funding for local projects, ensuring the quality of conservation efforts through vetting processes, and employing local professionals who bring the nation's best practices to bear on regional conservation activities are three ways to build capacity, advance excellence, and ensure that local conservation efforts move forward in a manner consistent with local values.

Relative to many areas in Colorado, little outside funding has been secured for public or private conservation projects in the Planning Area. Local conservation finance mechanisms create the opportunity to leverage outside investments from public and private entities. The use of such mechanisms has already been demonstrated on the outskirts of the Planning Area. A $300,000 pledge from Pueblo County helped secure a $4.7-million grant from GOCO in 2007 to fund the Peak to Prairie conservation effort north of the Planning Area. This investment represents an appropriation that occurred because of a unique conservation opportunity and the fact that financial resources were available at the time.

Dedicated conservation finance mechanisms can establish a more reliable pool of financial resources for conservation, and evidence indicates that taxpayers in the planning region are willing to support ballot measures to pool funds for conservation purposes. In a survey of 400 Pueblo County residents, conducted as part of the *Pueblo Regional Development Plan*, 96% of respondents said that "programs should be developed to protect productive agricultural land, flood plains, wildlife habitats, and environmentally sensitive land." 77% said they would be willing to pay five cents a day to fund programs that protect these lands, with only 7% of the opposing view strongly disagreeing. Recent elections bear out this willingness. In 2002, 64% of voters in Pueblo, Otero, Crowley, Bent, and Prowers counties passed a mill levy establishing the Lower Arkansas Valley Water Conservancy District, creating a local conservation finance mechanism in the Planning Area.



Conservation programs supported by a mill levy or dedicated sales and use tax take numerous forms based on local values. Some are used to purchase or enhance parks, trails, and heritage areas – such as the 0.25% sales and use open space tax Arapahoe County voters passed in 2011. Others focus on protecting rural lands, local agriculture and community buffers – such as Routt County's Purchase of Development Rights Program. This program, which Routt County implemented in the mid-1990s, focuses on private land protection, largely through conservation easement purchases. A dedicated open space tax in the Planning Area would likely center on protecting the regional attributes and conservation values identified in this Plan. Stakeholder groups expressed interest in a funding mechanism for acquisition and protection, as well as resource enhancement. Improvements on protected farmlands, grasslands, irrigation channels, and wetlands contribute not only to ecological health, but to the economic vitality of the area's agricultural community. Both protection and resource enhancement funds can be used to leverage additional

Matt Inden / Weaver Multimedia Group

Historic Arkansas Riverwalk of Pueblo

outside investments. Often, the amount leveraged from outside sources exceeds that generated locally.

Human capacity, in the form of paid staff or voluntary oversight committees, is often required to administer such programs. Routt County awards project funding through a competitive application process to private landowners working with outside conservation organizations. This process is overseen entirely by a voluntary Citizens' Advisory Board, which is appointed by the Routt County Commissioners. Arapahoe County's program has dedicated staff as well as an appointed Open Space and Trails Advisory Board that makes awards. Projects funded by the Trails, Open Space, and Parks Program in Colorado Springs require more intense staffing levels given that they have exclusively supported the City's own public open space acquisitions and trail construction projects.

Even without a dedicated local funding source, local stakeholders can do much to secure outside conservation investments and advance conservation excellence in the western Lower Arkansas Valley. The Lower Arkansas Valley Water Conservancy District, the only state-certified conservation easement holder based within the Planning Area, has dedicated staff; and Palmer Land Trust and its partners are exploring opportunities to fund a locally based conservation professional who can work with regional stakeholders to implement elements of this Plan. Thus far, the majority of conservation activity in the region has been administered by outside organizations. The Planning Area would benefit from a dedicated professional who can advance creative, complex, and visionary conservation efforts that embody local values, while bringing the best national practices to bear upon these efforts.[19]

[19] Such a professional should be able to empower local stakeholders and bring together a variety of conservation resources – similar to the way in which the Shortgrass Prairie Partnership has been operating across the greater Ecoregion. A regional steering committee could significantly advance the goals embodied in this Plan and the work of one or more local professionals.

Conservation Drivers
Stewardship

Goal	***Increase opportunities to explore natural, recreational, and agricultural areas.***
Strategy	*Identify new opportunities to connect people with the outdoors and emphasize those that are already in place.*
	Support conservation projects that protect and link open space areas.
Goal	***Promote ecological literacy.***
Strategy	*Support experiential learning opportunities and education of the region's rich natural resources.*
	Use protected open spaces to cultivate a conservation ethic.
Outcome	***People revel in opportunities to experience and steward diverse landscapes.***

The Planning Area contains diverse publicly accessible natural, recreational, and agricultural areas. Approximately 89,000 acres of public lands are available for hiking, biking, fishing, hunting, wildlife watching, boating, and equestrian use.[20] Lake Pueblo State Park and the adjacent Pueblo Reservoir State Wildlife Area provide nearly 18,000 acres within 10 miles of Pueblo and Pueblo West. The Planning Area contains portions of San Isabel National Forest, the first national forest in the country where active recreation was a US Forest Service priority (US Department of Agriculture FS 2012).

Lake Pueblo Dam

While most stakeholders consider protection of the region's agricultural land and water supply a higher conservation priority than new public open space acquisition, three public access projects within the Planning Area warrant exception. First, additional open spaces and parks will be needed in and around growing urban centers. Pueblo County's population is projected to increase by more than 95,000 people by 2040, and the Pueblo Regional Development Plan highlights the fact that existing public open spaces may not sufficiently accommodate growing populations (US Census Bureau 2012).[21] Second, linkages between existing open spaces and continued development of the Front Range Trail (FRT) are essential. Sections of the FRT are complete in the Planning Area, but additional work is needed south of the City of Pueblo. Finally, conservation projects providing better access to existing public open spaces should be supported.

Concerns exist that even with sufficient public land available, barriers exist that keep populations – in particular, urban and disenfranchised populations – from accessing them. This creates challenges in helping younger urban residents develop a conservation ethic that recognizes and values the benefits of land and water stewardship: food, health, education, quality of life, economic security. Other consequences of limited outdoor access exist as well. 'Nature deficit disorder', a term coined by Richard Louv in his 2005 book, *Last Child in the Woods*, refers to a range of documented cognitive and behavioral problems in children who spend little time outdoors. Identifying new opportunities to connect residents with the outdoors, emphasizing those connections already in place, and providing experiential education opportunities across the region's vast natural landscapes is a stakeholder priority.

There are several organizations that can help forge growing connections between residents in the Planning Area and the region's outdoor and/or natural areas. Within the Planning Area, The Mountain Park Environmental Center (MPEC) has been doing this for more than a decade. MPEC manages the 611-acre Pueblo Mountain Park in the Wet Mountains for the City of Pueblo, and offers experiential environmental education programs for people of all ages. Closer to the urban center, the Nature and Raptor Center of Pueblo provides environmental education opportunities and a raptor rehabilitation center along the Arkansas River. The Trust for Public Land (TPL), a national organization specializing in public land protection, recently launched the *ParkScore Program* in 30 US cities (Denver, Colorado, was included in the study), and expressed interest in expanding services to Pueblo. By combining GIS technology

[20] Acreages were calculated utilizing COMaP v9 data (Lavender et al. 2011).
[21] The plan estimated (based on the national standard of 7 acres of open space/park per 1,000 residents), a future need of 472 acres of parkland in the City and County of Pueblo to satisfy the growing demand created by projected increases in population by 2030.

Public Access and Recreation

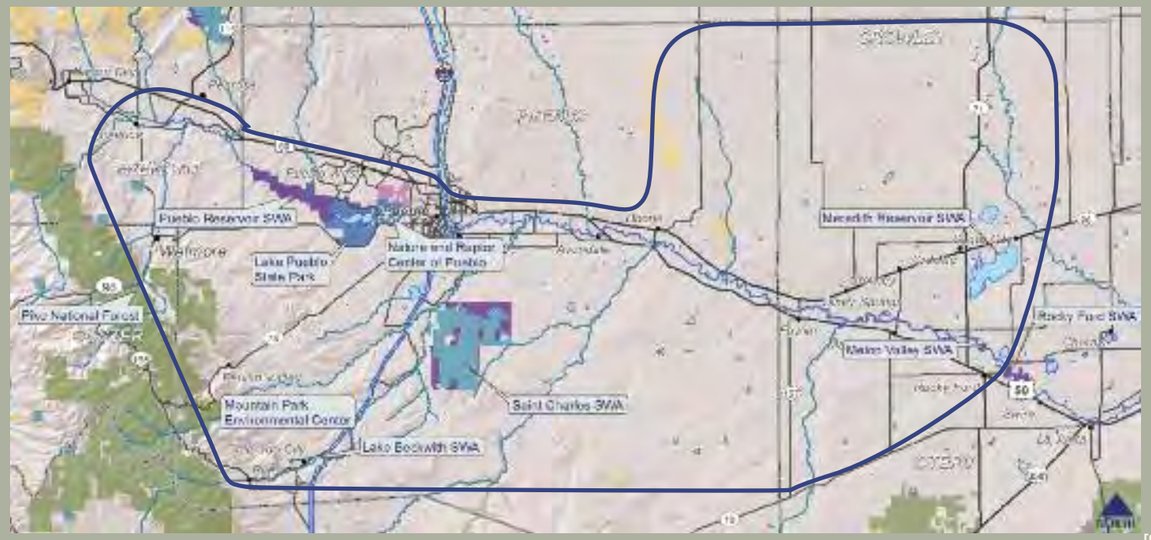
Map Legend

- Planning Area
- Bureau of Land Mgt.
- CO Division of Wildlife
- City of Pueblo
- State Land Board
- CO State Parks
- Forest Service

0 5 10 Miles

About This Map

The Public Access and Recreation map displays lands that allow access to the public. Public land ownership and public accessibility are derived from COMaP v.9 data (Lavender et al. 2011).



Stewardship

with data on neighborhood parks and resident demography, TPL identifies neighborhoods where parks or trails access is needed, and whether or not existing park and trail infrastructure favors certain socioeconomic groups over others. Finally, in 2010, the Great Outdoors Colorado board made getting children and their families outside a strategic priority. The 2010 GOCO strategic plan committed funding to provide access to recreation, environmental education, and stewardship training. The new plan also heightens the funding appeal of conservation projects with some form of public access that can help to cultivate a land stewardship ethic in the next generation (GOCO 2010).

This focus is not limited to public open spaces. A current trend exists in Colorado and elsewhere for private landowners to create value-added income streams by providing voluntary (often limited or restricted) access to their lands (Colorado Department of Agriculture 2012a). Fishing leases, equestrian access, recreational river access, birdwatching opportunities, and access for picnicing and camping are all services that are being offered more frequently throughout Colorado by private landowners. These activities provide economic benefit to the landowner while simultaneously increasing people's awareness and appreciation of the natural world.

Matt Inden / Weaver Multimedia Group

Lake Pueblo State Park

Identifying new opportunities to connect residents with the outdoors, emphasizing those connections already in place, and providing experiential education opportunities across the region's vast natural landscapes, is a stakeholder priority.

Stephen G. Weaver/Earth Systems Imaging

Ranching

Goal	***Direct land protection resources at priority ranching areas and capitalize on emerging opportunities.***
Strategy	*Use conservation easements, deed restrictions, and long-term leases to protect ranchland in priority areas.*
	Pool adjacent or proximate conservation projects to enhance funding opportunities and preserve greater tracts of ranchland.
Goal	***Help multigenerational ranching families expand operations through conservation purchases and land exchanges.***
Strategy	*Identify opportunities to replicate successful land exchange and acreage enhancement models.*
Outcome	***Ranchers are strengthened by conservation and innovation.***

Denise Chambers / Weaver Multimedia Group

Historically, a variety of large herbivores, such as bison, elk, and pronghorn created a mosaic of grazing patterns in the Planning Area that played a role in maintaining the ecological health of the region's shortgrass prairie. Grazing processes involving intense hoof impact from large herds and the development of organic litter, followed by periods of rest, and soil and plant rejuvenation, were critical to grassland health. In fact, in arid environments like the Central Shortgrass Prairie, there is a significant risk of desertification without animal impact (Savory and Butterfield 2001).

Cattle grazing became the dominant form of animal impact in the Planning Area in the mid-1800s, and good ranch management practices contribute a great deal to prairie health today (Neely et al. 2006). Ranching also contributes the greatest agricultural economic impact in the Planning Area, with the annual market value of livestock estimated at $160 million.[22] Because of the symbiotic ties between grassland preservation, ranching, and the local economy, conversion of the Planning Area's ranchlands would have significant, adverse ecological and economic consequences. Protecting the area's ranches – with conservation easements and long-term leases or by replicating innovative acreage enhancement and exchange models – represents the greatest opportunities for large-scale conservation in the Planning Area.

Priority ranch conservation areas in this Plan were selected based on several factors, including landscape integrity, the ability to expand existing conservation efforts or increase and connect protected acreage around public lands, the risk of landscape fragmentation, and the capacity for future conservation. The Nature Conservancy's *Central Shortgrass Prairie Ecoregional Assessment* identifies areas of terrestrial ecological (landscape) integrity. High-integrity areas have the capacity to maintain a large functional ecological system, with a range of expected species. Not surprisingly, the areas of greatest integrity also hold the Planning Area's largest ranches according to parcel data. COMaP ownership data, Pueblo, Fremont, and Custer County parcel data, *Central Shortgrass Prairie Ecoregional Assessment* data, and local constituent knowledge helped guide the formation and descriptions of the priority areas. The locations of these areas are depicted in the Ranchland Priority Map.

Olney-Boone Priority Area
The Olney-Boone Priority Area is comprised of small- to medium-sized family ranches with a history of land conservation. At least 45,000 acres of this region are protected by conservation easements. The area is interspersed with numerous State Land Board (SLB) sections leased for grazing. Dryland farming impacted the area in the early- to mid-twentieth century, but today approximately 45,000 acres of historic dryland farming areas have been restored through Conservation Reserve Program.[23] Opportunities exist to protect over 100,000 acres of ranchland in this area, linking huge swaths of multigenerational family ranches with 300,000 acres of SLB holdings (including Chico Basin Ranch) and the 24,000-acre Pueblo Army Depot to the east.

Crowley Priority Area
Conservation organizations have protected 24,000 contiguous acres of ranchland adjacent to a 16,000-acre SLB parcel north of Highway 96 and Sugar City in Crowley County. This 40,000-acre area serves as an anchor for future conservation efforts on adjacent lands. The possibility exists to bridge this core of protected land to the nearby 110,000-acre Timberlake SLB parcel, creating an estimated 300-square-mile landscape of protected and state grazing land stretching 25 miles, from Lake Henry and Lake Meredith State Wildlife Areas, to Adobe Creek State Wildlife Area, east of the planning area and north of the town of Las Animas.

Apishapa River Priority Area
South of the Arkansas River in northwestern Otero County, a 40,000-acre working ranch protected by TNC in 2010 serves as an anchor for future conservation efforts on adjacent lands. Future conservation efforts have the potential to link the Crowley and South Pueblo County Priority Areas, creating an immense protected landscape. Current conservation efforts in the area have the potential to bridge land south of the Planning Area in and around the Comanche National Grasslands and Pinon Canyon Maneuver Site in southern Otero and northern Las Animas Counties.

South Pueblo County Priority Area
The South Pueblo County Priority Area contains the highest concentration of large ranches in the Planning Area and offers an opportunity to create a contiguous protected landscape that connects sizable SLB properties and large, historic ranches. Over 300,000 acres of high-quality ranchland is owned by a relatively small number of ranches. This area of unprotected ranchland is bookended by two core areas of public and privately conserved land. To the east, a 22,000-acre protected ranch lies adjacent to a 36,000-acre SLB parcel. To the west lies the 50,000-acre Saint Charles SLB parcel. Bisecting the two bookends is the Huerfano River, flowing northeast towards the Arkansas. According to TNC's Central Shortgrass Prairie Ecoregional Assessment and Partnership Initiative Plan, this priority area contains the least fragmented, most intact concentration of shortgrass prairie in the Planning Area, which, as part of a larger intact expanse, stretches into Huerfano, Las Animas and

[22] Livestock value estimates were based on 100% Pueblo and Crowley Counties, 20% Freemont and Otero Counties, and 0% Custer County (US Department of Agriculture NASS 2012).
[23] Estimates were based on 75% of all land enrolled in CRP for Pueblo and Crowley Counties (US Department of Agriculture NASS 2012).

Ranching

Otero Counties (Neely et al. 2006). This larger expanse represents the highest integrity shortgrass prairie area in the entire Central Shortgrass Prairie ecoregion.

Wet Mountain Foothills Priority Area
Due to the area's proximity to San Isabel National Forest and the City of Pueblo, the Wet Mountain Foothills Priority Area is experiencing significant rural subdivision pressure, resulting in an increasingly complex and fragmented landscape. However, several conservation organizations, including Colorado Open Lands, San Isabel Land Protection Trust, Keep Pueblo Beautiful, and Palmer Land Trust, have protected a number of iconic ranches in the area, establishing approximately 23,000 protected acres. Pockets of prime unprotected ranchland still exist, and opportunities to link these areas to existing protected lands create a unique opportunity to buffer the San Isabel National Forest and communities to the west.

Hardscrabble Creek Priority Area
The Hardscrabble Creek Priority Area features several large working ranches that offer opportunities to protect and buffer the adjacent Pueblo Reservoir State Wildlife Area, Lake Pueblo State Park, and scenic views along the Frontier Pathways National Scenic Byway. Located directly between the growing population centers of the City of Pueblo, Pueblo West and Canon City, ranches in this region will be under the greatest rural subdivision pressure in the future. Several ranches together represent 66,000 acres of prime, unfragmented ranchland, which also hosts some of the state's most unique habitat.

Scale, project urgency, and project opportunity are three characteristics that can attract conservation funding for ranch protection. In areas where threats to the landscape are high, such as the Wet Mountain Foothills and Hardscrabble Creek priority areas, critical, at-risk parcels attract conservation funders. In places where growth projections are minimal, attracting funding often involves creating or capitalizing on unique opportunities, such as pooling projects to protect a larger landscape. Recent conservation efforts in the Planning Area are using this strategy. Larger, more complex projects that establish landscape connectivity across multi-generational family ranching communities are taking place.

Creative conservation purchase and exchange models also attract funders. One example is the Winship Project, so named for the Winship Ranch, a 37,000-acre ranch located in Lincoln and Cheyenne counties that was up for sale in 2008. No single community member could purchase the ranch in its entirety, but an innovative conservation project enabled four families to purchase the ranch collectively. Working with TNC, several of these families sold conservation easements to TNC on portions of their own adjacent ranches. TNC acquired and placed a conservation easement on the Winship Ranch, thereby reducing its market value. The families used the proceeds they were paid for their easements and other capital to purchase the Winship. Land exchanges helped consolidate their holdings. The completed project created an expansion of traditional family ranchlands that is enabling younger generations to stay in the ranching business. The total project spanned 70,000 acres, protected 48,000 acres with conservation easements, and benefitted four families and five generations of ranchers. The project is a replicable means of strengthening working ranches, sustaining rural communities, and creating neighborhoods of conservation.

Right: Ranch in the Wet Mountains

Ranchland Priorities

Map Legend

- Planning Area
- Military
- State Park
- Bureau of Land Management
- Forest Service
- CO Division of Wildlife
- State Land Board
- City
- Conservation Easements

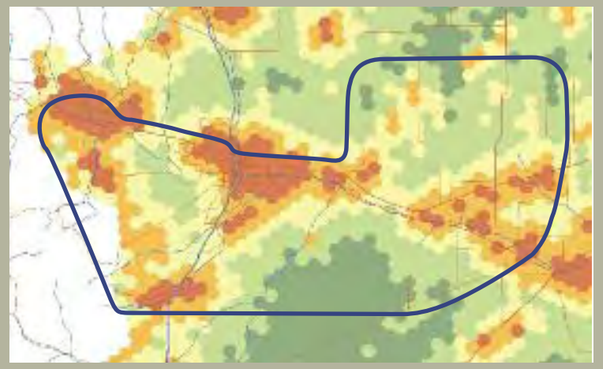
About This Map

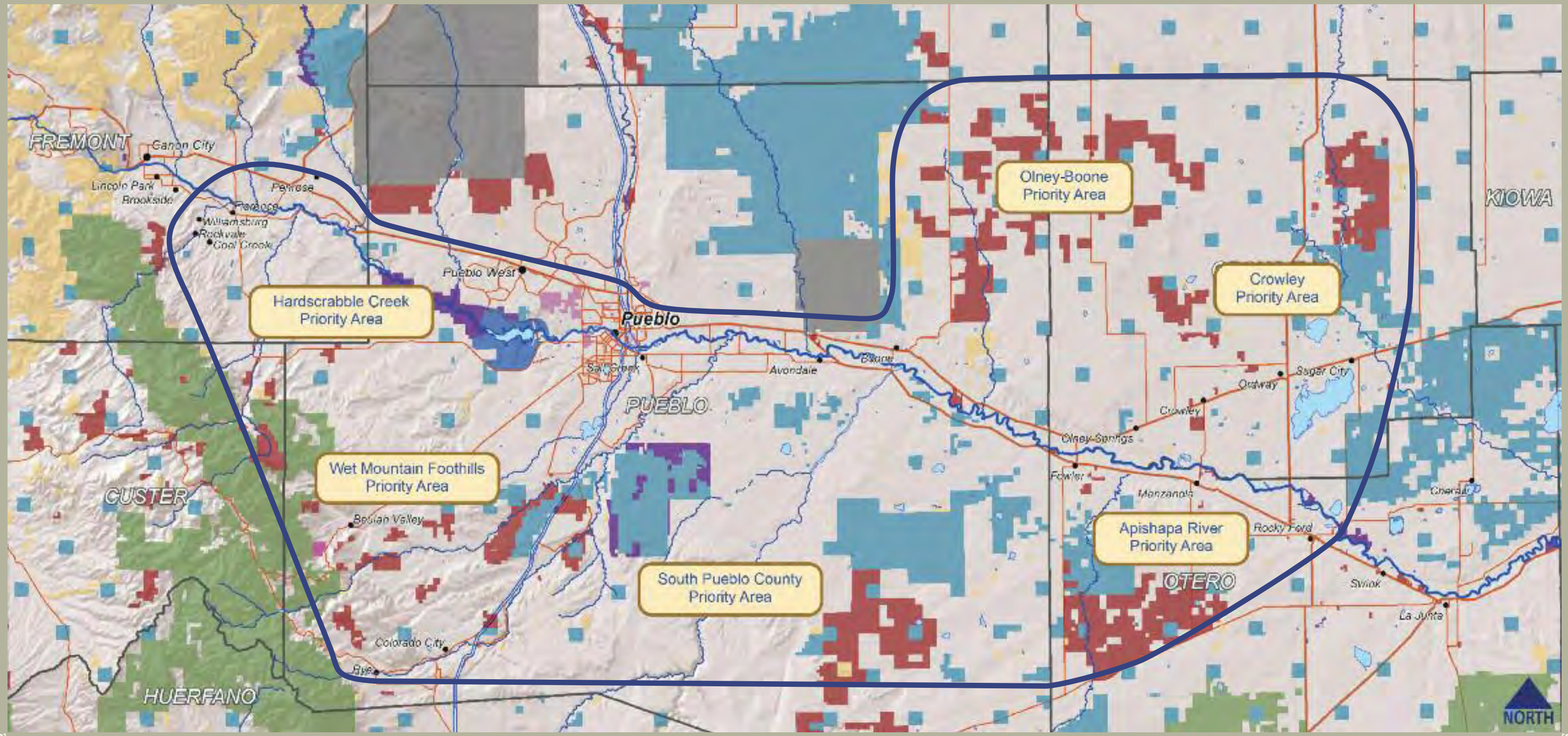
The Ranchland Priorities map highlights six priority areas that feature large unbroken blocks of land, ranches that are adjacent to other protected lands, and ranches that are adjacent to or near public lands. Public land ownership and private lands protected by conservation easements are derived from COMaP v.9 data (Lavender et al. 2011).

0 10 20 Miles

Terrestrial Ecological Integrity

Terrestrial ecological integrity describes the capacity to support and maintain a functional ecological system that contains its full range of expected species, communities, and ecological processes. On the map to the right, dark green represents areas of high integrity – orange represents areas of low integrity. *Data is provided by the Central Shortgrass Prairie Ecoregional Assessment and Partnership Initiative.*





Farming

Goal	***Increase the amount of protected irrigated farmland and water rights associated with that land.***
Strategy	*Use conservation easements, deed restrictions, and long-term leases to protect farmland in priority areas.* *Pool adjacent or proximate conservation projects to enhance funding opportunities and preserve greater tracts of farmland.*
Goal	***Improve the economic viability of beginning and established farmers.***
Strategy	*Enhance farm-to-table infrastructure.* *Assist new farmers in acquiring farms and becoming productive farmers.*
Outcome	***A thriving farm community is prominent in the local economy and enriches the cultural landscape.***

The ability to sustain strong rural economies and feed the region's population requires protection of the area's prime irrigated soils, profitable farming operations, and strong farm communities. The Planning Area includes approximately 68,000 acres of irrigated farmland, which is comprised of over 800 individual farms.[24] Most of the farms are located along the Arkansas River east of the Fountain Creek confluence. Other minor farming locales include areas along Hardscrabble Creek, the Saint Charles River, and near Huerfano Lake. The protection of farms and farm communities is a consistent priority in regional land development plans and water conservation forums and is fundamental among stakeholders.

Hay meadow, St. Charles Mesa

Colorado's first orchards were planted near Florence in 1868. Farming enterprises were the underpinnings of towns along the Arkansas River from Fowler to Lamar. Valuable cash crops, including sugar beets and cantaloupe thrived and made farming an important aspect of local and regional economies (Ubbelohde, Benson and Smith 2006). Irrigation from the Arkansas River and its tributaries played a fundamental role in supporting the region's farms. Canals were developed starting in the 1870s to irrigate the upland benches adjacent to the river. The subsequent decades brought advancements and improvements in irrigation capacity through corporate investments and federal government involvement. The first major canal project in the region included the Rocky Ford Canal, which, by 1888, was over 16 miles long and irrigated 10,000 acres. In the 1890s the Bessemer Ditch, the largest ditch in the Planning Area, was constructed (Ubbelohde, Benson and Smith 2006). The ditch flows out of Pueblo

Matt Inden / Weaver Multimedia Group

Pumpkin patch east of Pueblo

Reservoir east to the confluence of the Huerfano and Arkansas Rivers. These and other ditch projects brought water to many farmers and increased farming and agricultural production to new highs. Today, approximately 35% of cropland in the planning area is irrigated – a higher fraction than Colorado as a whole (25%) (US Department of Agriculture NASS 2012).

Irrigated farmland is a limited resource; due to the nature of water rights and interstate compacts on water usage, it is very unlikely that new irrigated farms will be created in the planning area. The region is blessed with numerous existing, irrigated farms; yet, very few farms are protected from development or water sales. The City of Pueblo recently purchased water from the Bessemer Ditch, which is currently leased back to area farmers; however, this water could be used for municipal or industrial uses at any time. The use of conservation easements can permanently protect water and farmland while potentially making it easier for farming families to gift farms to their children by reducing estate tax burdens. Easements can also enable new farmers to acquire farmland at agricultural rates.

The United States Department of Agriculture's National Resource Conservation Service (NRCS) has identified prime farmland throughout the country on the basis of soil characteristics. Prime farmland is defined as land best suited (and available) for food, feed, forage, fiber and oilseed crop production. It has a sufficient soil quality, growing season, and moisture or water supply to produce sustained yields of crops when the land is managed according to modern farming methods (US Department of Agriculture NRCS 2011). The soils in the Planning Area require irrigation to meet prime farmland criteria. All farms with prime farmland soils or proven productivity in the Planning Area are worthy of protection. This Plan identifies five priority areas for farmland protection.

Avondale Priority Area

Numerous farms with prime, irrigated soils exist between the Saint Charles and Huerfano rivers. The Bessemer Ditch supplies the majority of farms in this area. *The Pueblo Regional Development Plan* identifies the prime farmland in this area as "Production Agriculture" and calls out preservation of this farmland as a regional priority.

[24] Estimates were based on number of farms and acreage of irrigated land on 100% Pueblo and Crowley Counties, 20% Freemont and Otero Counties, and 0% Custer County (US Department of Agriculture NASS 2012).

Farming

Fowler/Rocky Ford Priority Area
Large cluster farms with prime farmland soils are located south of the Arkansas River for a 20-mile stretch in eastern Pueblo and Otero Counties. This is the largest priority area that is dominated by prime farmland in the Planning Area. Numerous large canals support these farms and traverse this priority area.

Crowley County Priority Area
The Crowley County priority area contains a large block of historically irrigated farmland. However, since the 1970s, a vast majority of these farms sold their water rights and are no longer irrigated. Remaining irrigated farmlands should be protected. A major crop in this area is forage, such as hay, grass silage, and greenchop.

St. Charles Mesa Priority Area
Several farms with prime farmland exist on the St. Charles Mesa. This area, the closest farming community to Pueblo, is experiencing significant residential development pressure. *The Pueblo Regional Development Plan* characterizes the area as "Country Residential," and recommends maintaining substantial contiguous open space, including preserved agricultural land. However, the city may develop sanitary sewer for portions of the mesa and change the land use in those areas to a higher density of residential use, which complicates farmland preservation (Pueblo Area Council of Governments 2002). Farmland protection projects in this area should take into account the potential impacts of the City of Pueblo's infrastructure plans.

Matt Inden / Weaver Multimedia Group

Other Prime Farmland
Smaller pockets of prime farmland occur in the Arkansas River valley upstream of Pueblo Reservoir, around Huerfano Lake, and along tributaries of the Arkansas River, including the Saint Charles River, Greenhorn Creek, and Hardscrabble Creek. Although these farm complexes are not as large as those in the other areas, productive farms do exist and their protection is a priority.

A viable agricultural community requires multiple farms and large tracts of farmland. The service industry that assists farming communities requires a critical mass of producers to remain viable. Conservation projects that pool adjacent or proximate farms have a much better chance of preserving a farm community and the infrastructure that supports it. Granting agencies are more likely to fund pooled projects that protect multiple farms and preserve greater tracts of land given the small size of many of the area's farms.

Stakeholders feel that a stronger farm service industry – one that could put more local food into homes, schools, and restaurants and assist farmers in processing, preservation, and transportation – is needed in the Planning Area. Stronger infrastructure can provide new opportunities for added-value crops and broader distribution. Farm-to-table infrastructure is not inexpensive and can be out of reach for small farming operations. However, new farm-to-table infrastructure is emerging. There are plans for a "food hub" in Avondale – the Arkansas Valley Farm Service Center – which will be operated by NewFarms. The facility will include a commercial kitchen, cold/dry/frozen storage, a meeting room, custom seed cleaning services, stocking, and sale of post-harvest supplies. The Kitchen Pantry, a small commercial kitchen, recently opened in Canon City.

Good farm-to-table infrastructure is an important part of attracting and supporting new farmers in the region. *The 2007 Census of Agriculture* showed the average age of farmers climbed to 57 in 2007, up from 55 in 2002. And while the number of farm operators older than 75 grew by 20% percent from 2002, the number of operators under 25 fell by 30%. Many farmers will be retiring in the near future. A new, younger generation of farmers would like to take their place.

Jim Wark / Airphoto

Farms near Avondale, Colorado

A variety of federal, state, and local programs around the country are dedicated to supporting new farmers and ensuring they do well. Farm Link and Land Link, which are supported by the International Farm Transition Network, seek to connect new and retiring farmers through a variety of services, including crop leases, crop share, profit share, or straight land lease or lease-to-own contracts. Guidestone, a Colorado program, provides services to emerging farms and farm-affiliated businesses in the upper Arkansas River Basin (Guidestone 2012). In other states, farm incubators, like business incubators, are offering new farmers access to land, equipment, infrastructure, and mentorships until they have the means to acquire their own equipment and land elsewhere. The US Department of Agriculture's *Beginning Farmer and Rancher Development Program* offers education, training, outreach, and mentoring to the next generation of farmers within Colorado, as does the Colorado Farm Bureau's *Young Farmer and Rancher Program* (US Department of Agriculture NIFA 2012, and Colorado Farm Bureau 2012). These programs can assist new farmers in acquiring farms within the Planning Area and becoming productive farmers. Mutually beneficial partnerships between rural farm communities and urban population centers can attract investments from private foundations and government agencies to support new farmers and enhance economic development efforts pertaining to local food production.

Farmland Priorities

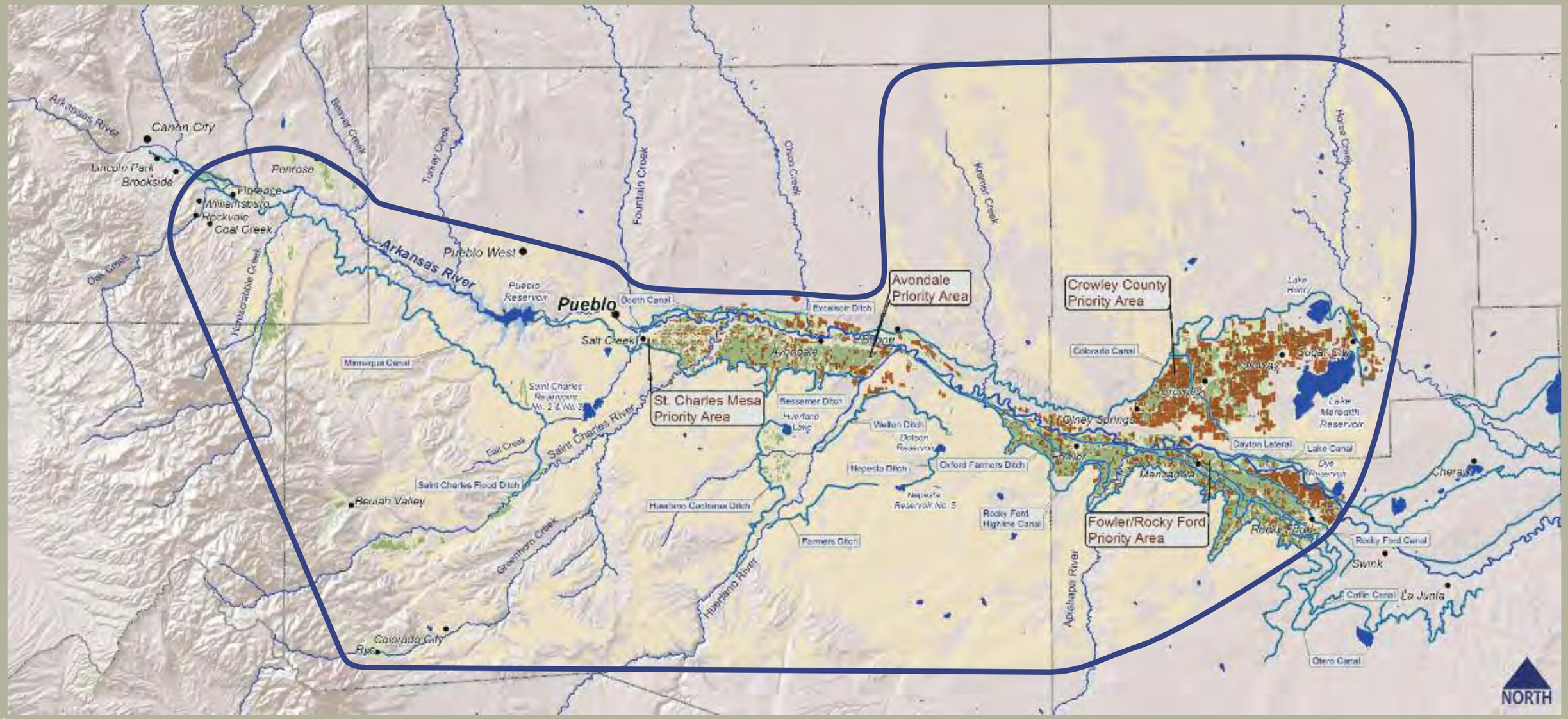
Map Legend

- Planning Area
- Lakes & Reservoirs
- Irrigation Ditches
- Rivers & Creeks
- Prime Farmland if Irrigated
- Irrigated – not Prime Farmland
- Prime Farmland (irrigated)
- Dry Farmland (formerly irrigated)

0 10 20 Miles

About This Map

The Farmland Priorities map is an overview of prime farmland soils, water features, and dry farmland. The US Department of Agriculture defines Prime Farmland as, "the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods." Prime Farmland was derived from Natural Resources Conservation Service's (NRCS) Soil Survey Geographic dataset. Irrigated soils were classified as 'Agricultural' by the US Geological Survey GAP Land Cover dataset and within an area of potentially irrigated land digitized by visual analysis utilizing orthoimagery provided by NRCS National Agricultural Imagery Program. Dry, formerly irrigated farmland was derived from Colorado Division of Water Resources Decision Support System 'Division 2 Irrigated Lands 2003' dataset.



Habitat

Goal

Direct habitat protection resources at priority species and ecological communities.

Strategy

Protect previously identified, globally significant habitat areas.

Identify funding sources to support the protection of priority areas identified in this plan.

Improve biological data resources.

Outcome

Protected lands support viable populations of significant species and create contiguity for biologically diverse ecological communities.

In prioritizing critical habitat conservation areas, this Plan references three sources of primary data: *The Nature Conservancy's Central Shortgrass Prairie Ecoregion Assessment* (2006), the Colorado Natural Heritage Program's (CNHP) *Survey of Potential Conservation Area Reports* (1993-ongoing) and *Biodiversity Scorecard* (2008), and the Colorado Division of Wildlife's (CDOW) *Colorado Wildlife Action Plan* (2006). Each study has unique differences in scale, methodology, and results, and further studies are warranted due to existing data gaps or discrepancies[25]. The Planning Area is comprised of six general habitat types (US Geological Survey GAP 2012).

Matt Inden/Weaver Multimedia Group

Pronghorn

Shortgrass Prairie

Rolling to flat grasslands dominated by buffalo grass, blue grama, and western wheatgrass support a wide array of wildlife including pronghorn, ferruginous hawk, burrowing owl, black-tailed prairie dog, mountain plover, long-billed curlew, and swift fox.

Sandsage Prairie and Shrubland

Sandhills in the northeastern portion of the Planning Area support a variety of bunch grasses and shrubs with abilities to root deeply into the sandy soils where the drying effects of the sun and wind are less severe. Sandsage prairie is dominated by sand sagebrush and supports habitat for ornate box turtles, pronghorn, and numerous bird species. Other shrub species associated with sandsage include greasewood, rabbitbrush, and cholla cactus.

Playas

Found among the low rolling hills of the Central Shortgrass Prairie are shallow-bottomed depressions called playas. Rainfall and runoff collect in these basins, forming temporary wetlands that hold water for months in wet years but remain dry through periods of drought. Playas are bull's-eyes of biodiversity in this arid region, supporting close to 300 species of birds and other wildlife. The wetlands may be the most important habitat types for waterfowl and shorebirds in the region, hosting ducks such as blue-winged teal, mallards, and northern pintails, and shorebirds such as long-billed curlew, American avocet, snowy plover, and Canada and snow geese. Playas are also home to the plains ambrosia (*Ambrosia linearis*), a plant species endemic to southeastern Colorado. The majority of playas occur in the northeastern section of the Planning Area.

Prairie Wetlands

Found infrequently across the shortgrass prairie, wetlands are usually located in areas where shallow groundwater systems associated with high water tables encourage small drainages and wet meadows to form. These wetlands support a mosaic of sedge and bulrush communities and provide habitat for small fishes such as the rare Arkansas darter, leopard frogs, and a variety of aquatic insects.

Riparian Habitat

In the Planning Area, riparian habitat is found alongside the Arkansas River and its tributaries. Riparian habitat represents only about 5% of the landmass in Colorado but supports upwards of 75% - 80% of the State's wildlife species (Colorado Division of Wildlife 2006). Approximately 2% of the Planning Area is considered riparian habitat (US Geological Survey GAP 2012).

Montane Forest and Shrublands

These areas are found in the western part of the Planning Area, in the foothills of the Wet Mountains. Montane forests feature ponderosa pine and mixed conifer forests of Douglas and white fir and are often interspersed with meadows of tall grasses. Shrublands are dominated by Gambel's oak and mountain mahogany. These montane systems support a wide variety of habitat for black bears, elk, mountain lions, bobcats, gray foxes, Abert's squirrels, and many bird species. Approximately 7% of the Planning Area is considered forest habitat (US Geological Survey GAP 2012).

CNHP has identified 64% of the Planning Area as Potential Conservation Areas, with over 62% ranking between high (B3) and outstanding (B1) biodiversity significance. Potential Conservation Areas delineate locations in the state that provide habitat and ecological processes upon which a particular species, suite of species, or natural community depend. The best available knowledge about each species' life history is used in conjunction with information about topographic, geomorphic, and hydrological features, vegetative cover, and current and potential land uses. CNHP has drawn attention to significant portions of the Planning Area on account of its unique biodiversity and rare plant habitat. Each area is ranked by the significance of habitat (see table below and corresponding Habitat Priorities Map on pages 50 and 51).

	Acres in Planning Area	% of Planning Area	Location(s)	Driving Factors for each Location(s)
B1 Outstanding Biodiversity Significance	38,176	2.19%	1) Arkansas River east of Florence to Lake Pueblo.	1) Globally significant hotspot for several extremely rare plant species.
B2 Very High Biodiversity Significance	426,483	24.47%	1) Between Chico Creek and Boone Road. 2) Extreme southeastern Pueblo County and south of Rocky Ford.	1) Best known occurrence of the globally vulnerable sandsage prairie. 2) Multiple occurrences of the globally imperiled triploid Colorado checkered whiptail, mountain plover, and occurrences of other rare species including swift fox, black tailed prairie dog, ferruginous hawk and long-billed curlew.
B3 High Biodiversity Significance	624,511	35.83%	1) Most of the Crowley County portion of the Planning Area and areas adjacent to Arkansas River east of Pueblo to the Pueblo County line. 2) South-central Pueblo County including the Huerfano River corridor and its tributaries. 3) Saint Charles River Corridor south of Beulah.	1) Multiple occurrences of the rare ferruginous hawk and the globally imperiled mountain plover. 2) Multiple occurrences of intact shortgrass prairie, plains cottonwood woodlands, and occurrences of the rare Elton's lip fern, swift fox, and Simius roadside skipper. 3) Occurrences of lower montane cottonwood woodlands.
B4 Moderate Biodiversity Significance	29,767	1.71%	1) Greenhorn Creek at I-25. 2) Sixmile Creek.	1) Occurrence of the globally vulnerable Rocky Mountain bladderpod. 2) Few occurrences of the globally vulnerable Arkansas darter.
B5 General Biodiversity Interest	25,569	1.47%	1) Wet Mountain Foothills.	1) Large black-tailed prairie dog complex, occurrences of state imperiled lavender hyssop, and a historic occurrence of the state imperiled prairie violet.

[25] For example, CDOW and TNC's ecoregional data is too coarse for detailed, parcel-scale, habitat prioritization. CDOW's Natural Diversity Information Source, which offers detailed GIS data for numerous wildlife species of interest often shows habitat boundaries following political boundaries (county lines) or insignificant physical boundaries (such as roads) indicating that the scope of data may be limited by study areas that did not reflect a species range (i.e., the range may seem to end at a county line). CNHP data provides the most detailed, on-the-ground analysis of critical habitat in the Planning Area, although gaps in data exist. Since 1992, CNHP has completed comprehensive surveys of critical habitat in 37 of 64 counties in Colorado. CNHP has completed surveys in all counties within the Planning Area except for Custer County.

Habitat

Arkansas River, Pueblo Reservoir State Wildlife Area

Previously identified globally significant habitat areas with outstanding biodiversity significance (B1) are a priority for protection. The Arkansas Valley Barrens, a relatively small area of chalk bluffs west of Pueblo Reservoir, supports several globally imperiled rare plants. Three plants which thrive in this environment, the round leaf four-o'clock (*Mirabilis rotundifolia*), the golden blazing star (*Mentzelia chrysantha*), and the Pueblo goldenweed (*Oönopsis puebloensis*) occur in Pueblo and Fremont counties and nowhere else in the world. Two other globally rare plants, the Arkansas River feverfew (*Parthenium tetraneuris*) and the Arkansas Valley evening primrose (*Oenothera harringtonii*), have significant portions of their global distribution in this area as well (Neely, Panjabi and Handwerk 2011). These species all share similar habitat, flourishing along a unique and rare chalk layer geologic formation. The chalk layer is found only in a limited few locations, principally west of Pueblo and east of Canon City. Smaller patches of barrens habitat also occur in the Planning Area along the Arkansas River and its tributaries. While several high-quality populations of these plants have been documented within Lake Pueblo State Park and the adjoining State Wildlife Area, potential populations on nearby private lands may provide the greatest opportunity to conserve these important species and keep them off the Endangered Species List. The Arkansas Valley Barrens is one of only seven Priority Action Areas in Colorado identified by the Colorado Rare Plant Conservation Initiative.

Other notable habitat areas exist in the Planning Area as well. The southern portion, consisting of extreme southern Pueblo County, east of Greenhorn Creek, and west of La Junta, in combination with a larger landscape extending beyond the Planning Area's boundaries, is known to host the largest, most contiguous black-tail prairie dog complexes, the largest individual prairie dog colonies, and some of the highest densities of mountain plover in Colorado. This distribution is closely aligned with the largest contiguous tract of native prairie grasslands remaining in the Central Short-grass Prairie Ecoregion. This area hosts several other associated species of concern, including burrowing owl, mountain plover, ferruginous hawk, and swift fox. The most significant threats to the prairie dog community are habitat loss, sylvatic plague, chemical control programs, and recreational shooting (Neely et al. 2006).

CDOW, guided by the *Colorado Wildlife Action Plan*, has identified a large portion of the southern half of the Planning Area as a High Priority Habitat-Acquisition Area. This High Priority Habitat-Acquisition Area extends beyond the Planning Area and lies adjacent to another High Priority Habitat-Acquisition Area in the Purgatory River canyon country southwest of Las Animas. Together, the two areas contain one of the greatest diversities of reptile and amphibian species and the most intact complement of large mammal species in eastern Colorado (atypical for an area east of the Rocky Mountains). The area supports large populations of elk, whitetail deer, mule deer, pronghorn, swift and red foxes, and coyotes.

In 2005, the Colorado Conservation Trust identified a need for $18.5 million to protect significant river corridors and ranches with important habitat values in Pueblo County alone. A limited number of private foundations and conservancies finance species and habitat protection, as do some state and federal programs. The Colorado Conservation Partnership, a consortium of Colorado conservation organizations, identified twenty-five strategic priority habitat areas in order to draw more funding into Colorado's priority landscapes. Two Priority Landscapes exist in the Planning Area: Peak to Prairie and Huerfano Uplands. These two priority regions are also considered High Priority Habitat-Acquisition Areas by Parks and Wildlife, and projects within these landscapes may have a greater opportunity to see financing from a variety of investors. Other partnerships, such as the Shortgrass Prairie Partnership, the Colorado Rare Plant Conservation Initiative, Prairie Partners, Partners in Flight, Colorado Important Bird Areas, Playa Lakes Joint Venture, and the Arkansas River Watershed Invasive Plant Plan have all had some success targeting human and financial resources at priority landscapes.

Habitat Priorities

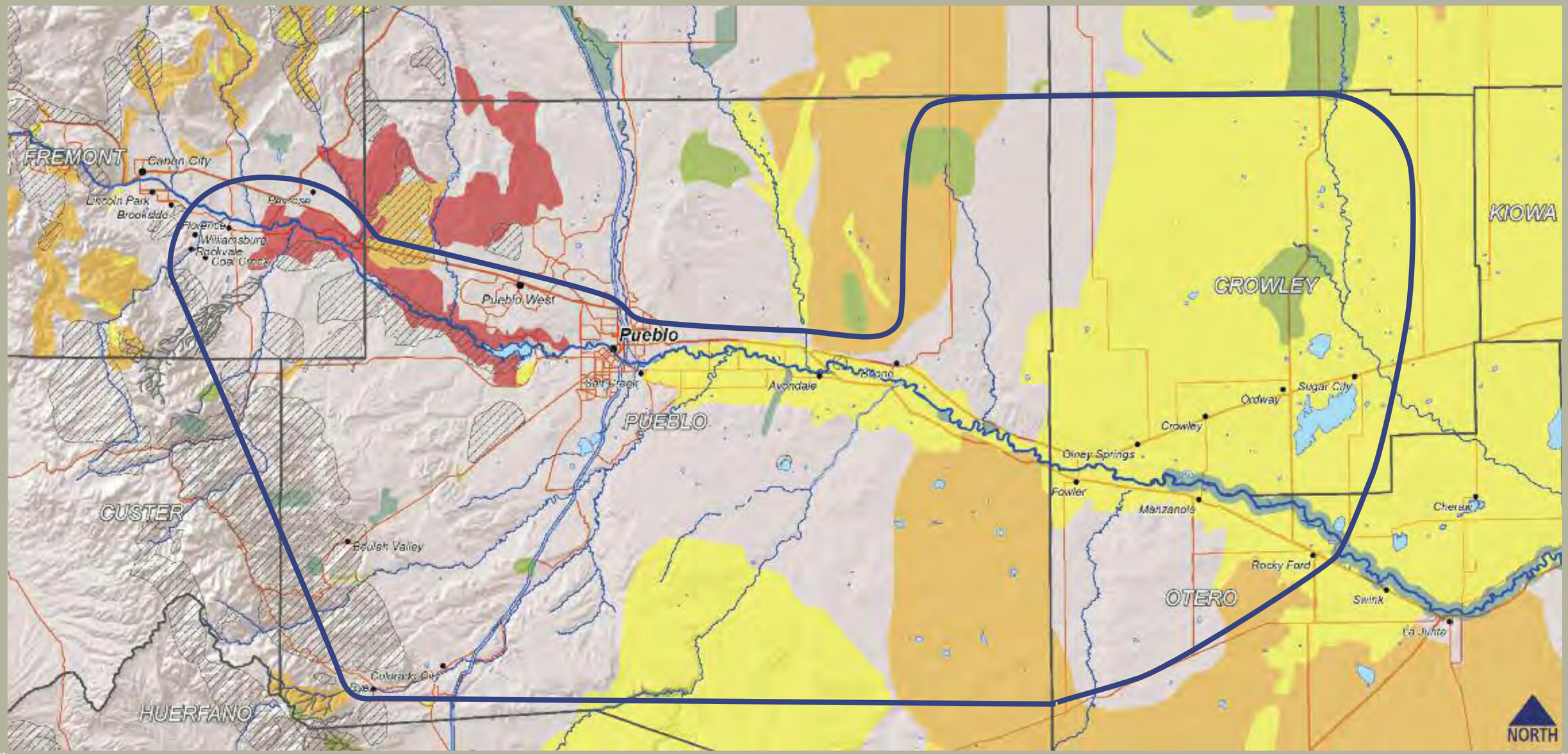
Map Legend

- Planning Area
- Sensitive Wildlife Habitat
- B1: Outstanding Biological Significance
- B2: Very High Biological Significance
- B3: High Biological Significance
- B4: Moderate Biological Significance
- B5: General Biological Significance

0 10 20 Miles

About This Map

The Habitat Priorities map displays Potential Conservation Areas (PCA) designated by the Colorado Natural Heritage Program and areas of sensitive wildlife habitat. The PCAs were designed to capture the ecological processes that are necessary to support the continued existence of a particular element of natural significance, such as a rare species or rare high-quality community. The Colorado Division of Wildlife provided the sensitive wildlife data layer that includes critical habitat for select faunal species.



Scenery

Goal

Preserve priority scenic viewsheds.

Strategy

Encourage detailed parcel analysis along Frontier Pathways Scenic and Historic Byway; secure Federal Highway Administration byways funding and protect priority parcels.

Protect scenic viewsheds along Interstate 25 (I-25) south of Pueblo through conservation easements and other available mechanisms.

Identify and protect other scenic areas within the region.

Outcome

Inspiring, unencumbered views of mountains, rivers, and prairies dominate the region.

Matt Inden / Weaver Multimedia Group

In 1919, Arthur H. Carhart, the founder of the US Forest Service wilderness preservation system, outdoor recreation planner, and first full-time US Forest Service landscape architect, planned State Highways (SH) 165, 78, and 96 as recreational and scenic roads. This was the first such designation in the United States (Frontier Pathways Scenic and Historic Byway, Inc. 2010). Today, SH 165 and 96, which span areas between Pueblo and Westcliffe, constitute the Frontier Pathways Scenic and Historic Byway (Frontier Pathways), one of the state's ten nationally designated scenic byways. SH 78 travels south of the scenic byway, from Pueblo to Beulah.

Stakeholders emphasize the importance of protecting scenic views along Frontier Pathways and Interstate 25 south of Pueblo, as well as other scenic areas. (Stakeholders identified the entire I-25 corridor as a priority; the portions of I-25 north of Pueblo are identified as a priority scenic viewshed in the *Peak to Prairie Conservation Plan*.) Though some subdivisions have developed along these routes, both Frontier Pathways and I-25 south of Pueblo remain primarily rural in nature. The *Frontier Pathways Scenic and Historic Byway Corridor Management Plan* identifies some of the most important scenic attributes of the byway in the Planning Area.

Areas visible from State Highway 96

- Viewshed from Lake Pueblo State Park to Wetmore consisting of prairie and pinyon-juniper forest framing the Wet Mountains, Pikes Peak, and Pueblo Reservoir
- Historic ranches surrounding Wetmore including the Jackson Hill Grade on SH 96, the Jackson Hill Stage Stop, the Hardscrabble Plateau, and the mouth of Hardscrabble Canyon

Areas visible from State Highway 165

- Historic ranches near Beulah
- Ranches in the Greenhorn Valley near Rye and Colorado City
- Ranchland at SH 165 and I-25 near Colorado City

The Colorado Scenic Byways Conservation Coalition (CSBCC), an alliance of byway associations and conservation organizations, recently secured funding to establish a baseline conservation plan for Colorado's byways, including Frontier Pathways. In 2012, the CSBCC submitted another Federal Highway Administration grant proposal requesting funding for a variety of additional efforts on eight Colorado scenic byways. This proposal also included Frontier Pathways. Specifically, the second grant requests funding to support coordination efforts, outreach with stakeholder groups, parcel prioritization, and execution of conservation projects that protect the visual, ecological, cultural, and economic integrity of the Frontier Pathways byway.

Interstate 25 south of the Pueblo city limits provides a high-volume gateway into the City of Pueblo. The rural nature of this corridor is the area's most appealing characteristic. *A Prospectus for Open Space Protection in Pueblo County* identifies several prominent unprotected private open space areas along this route. These include lands just outside the City of Pueblo's southern city limits near Saint Charles Reservoirs 1 and 2, as well as ranchland adjacent to State Land Board land near the Saint Charles River bridge on I-25. Finally, the Graneros Gorge, a stunning canyon of Greenhorn Creek just east of I-25 near Colorado City, is considered a priority for protection. While the gorge is not extremely visible to motorists traveling along I-25, a short side trip off exit 71 takes visitors to a public scenic viewpoint of this unprotected feature.

The Pueblo Regional Development Plan calls for the protection of the Arkansas River Bluffs on the City of Pueblo's western edge, the Tepee Buttes (a very scenic and rich paleontological site near Boone), and the Graneros Gorge. Other important scenic areas exist throughout the planning area and should be assessed for protection based on their individual scenic attributes, such as aesthetic appeal, natural and cultural characteristics, and level of visibility.

Frontier Pathways Scenic and Historic Byway

Visibility of Land from Major Roads

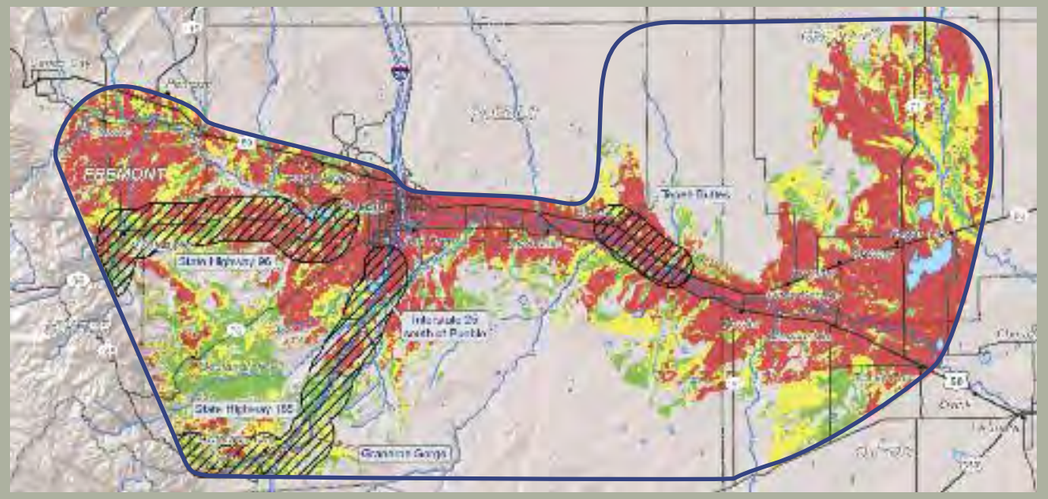
Map Legend

- Planning Area
- High Visibility
- Medium Visibility
- Low Visibility
- Priority Scenic Viewshed

0 5 10 Miles

About This Map

This visibility analysis defines visibility from Interstates, US Highways, and State Highways (the colors do not identify scenic areas within the visibility analysis). Specific priority scenic viewsheds are identified by hash marks. The analysis included viewpoint spacing of 650 feet with the maximum viewable distance calculated about 10 miles looking 360 degrees around each viewpoint and the observer's height at 6 feet (1.8m) above local terrain. The visibility analysis was completed in gratis by ERO Resources Corporation.



Implementation

This chart identifies implementation partners and potential implementation partners. In most cases, representatives from the entities listed participated as stakeholders in the planning process and identified areas where they could contribute to plan implementation. Other entities did not have representatives involved in the planning process but were identified as important stakeholders by those who were involved.

* State of Colorado certified conservation easement holder.

STRATEGY SETS	Conservation Groups						Local Government							State/Federal						Community Partners															
	Palmer Land Trust*	The Nature Conservancy*	Other Land Trusts*	LAV Water Conservancy District*	Keep Pueblo Beautiful	Soil Conservation Districts	Pueblo County	Crowley County	Otero County	Fremont County	Custer County	City of Pueblo	Other Incorporated Cities / Towns	Natural Resource Conservation Service	US Fish and Wildlife Service	Colorado Department of Agriculture	Colorado Parks and Wildlife	Great Outdoors Colorado	Colorado State Land Board	Colorado Rare Plant Initiative	Arkansas Valley Audubon Society	Shortgrass Prairie Partnership	Colorado Natural Heritage Program	ARKWIPP	Mountain Park Environmental Center	Nature and Raptor Center of Pueblo	Southeast Colorado Regional Tourism Group	Frontier Pathways Scenic and Historic Byway	Arkansas Basin Roundtable	Ditch Companies	Grazing Associations	Farming Associations	Action 22	Local Colleges and Universities	Colorado State University Extension	Consumer Groups	Pueblo Economic Development Corporation
GRASSLANDS																																			
Lay a foundation to ensure that more than 65% of the region is defined by native shortrass prairie now and into the future.																																			
Convey the significance of the region's shortgrass prairie habitat to diverse constituent groups.	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		✓		✓						✓	✓							✓			✓	✓		
Encourage Conservation Reserve Program (CRP) lease renewals or other means of conserving lands currently enrolled in CRP.				✓		✓	✓	✓	✓					✓		✓	✓					✓								✓		✓				
Encourage conservation easements with no-till provisions on dryland prairie.	✓	✓	✓	✓	✓	✓								✓			✓					✓	✓							✓						
WATER																																			
Protect the region's water rights while maintaining adaptability within a changing natural and cultural landscape.																																			
Tie local water rights to local land with conservation easements or other mechanisms.	✓	✓	✓	✓										✓			✓	✓										✓	✓		✓	✓				
Pilot alternative transfer programs that steer away from traditional "buy and dry" approaches.				✓								✓	✓															✓	✓		✓	✓				
Ensure the emerging Arkansas River Decision Support System (DSS) provides adequate protection of local water resources for agriculture and habitat given increasing demand from outside the area.				✓		✓	✓	✓	✓	✓	✓	✓	✓															✓	✓	✓	✓	✓				
AGRICULTURE																																			
Increase local food supplies to growing communities and urban centers; achieve local food security.																																			
Raise awareness of the value and significance of local agriculture to local, regional, and state economies.							✓	✓	✓	✓	✓	✓	✓			✓														✓	✓	✓	✓	✓		✓
Market local agriculture through conservation organizations while simultaneously marketing farm and ranch land protection through agricultural venues.	✓	✓	✓	✓	✓	✓										✓						✓								✓	✓					
Improve the economic viability of family farms and ranches.																																			
Create relationships between consumers and agricultural producers.							✓	✓	✓	✓	✓	✓	✓			✓										✓				✓	✓	✓		✓	✓	
Connect families with emerging value-added agriculture opportunities.																✓										✓				✓	✓	✓		✓	✓	
POLICY																																			
Use local land use planning to advance land and water protection efforts.																																			
Ensure that local government master plans identify the Central Shortgrass Prairie as an ecologically and economically important resource.							✓	✓	✓	✓	✓	✓	✓																			✓				
Ensure that local government master plans enable farmers and ranchers to qualify for state and federal conservation tax incentives by calling for farm and ranch land protection—and that local leaders advocate for these incentives.							✓	✓	✓	✓	✓	✓	✓																			✓				
Explore the feasibility of enacting subdivision requirements that increase parcel size beyond 35 acres in priority conservation areas.							✓	✓	✓	✓	✓																					✓				
Replicate Crowley County's no-till ordinance in priority shortgrass prairie conservation areas.							✓		✓																							✓				
Prioritize protection of open-space buffers around city limits.	✓		✓									✓	✓																			✓				
Support conservation in rural areas by promoting high-density urban growth and downtown vitality.					✓							✓	✓																			✓				✓
CAPACITY																																			
Empower people to advance locally driven conservation efforts.																																			
Hire a locally based land and water conservation professional to serve multiple stakeholder groups.	✓	✓																																	
Establish a steering committee to guide and strengthen local conservation efforts.	✓																															✓				
Establish clearinghouses of relevant conservation studies, plans, and tools to be used by local stakeholders.	✓	✓		✓																		✓														
Grow conservation funding streams in the area.																																			
Explore the creation of a local conservation funding mechanism.			✓				✓	✓	✓	✓	✓	✓																							
Increase outside investments for conservation in the Planning Area.	✓	✓	✓											✓	✓		✓	✓									✓									

Implementation

STRATEGY SETS	Conservation Groups						Local Government							State/Federal						Community Partners															
	Palmer Land Trust *	The Nature Conservancy *	Other Land Trusts *	LAV Water Conservancy District *	Keep Pueblo Beautiful	Soil Conservation Districts	Pueblo County	Crowley County	Otero County	Fremont County	Custer County	City of Pueblo	Other Incorporated Cities / Towns	Natural Resource Conservation Service	US Fish and Wildlife Service	Colorado Department of Agriculture	Colorado Parks and Wildlife	Great Outdoors Colorado	Colorado State Land Board	Colorado Rare Plant Initiative	Arkansas Valley Audubon Society	Shortgrass Prairie Partnership	Colorado Natural Heritage Program	ARKWIPP	Mountain Park Environmental Center	Nature and Raptor Center of Pueblo	Southeast Colorado Regional Tourism Group	Frontier Pathways Scenic and Historic Byway	Arkansas Basin Roundtable	Ditch Companies	Grazing Associations	Farming Associations	Action 22	Local Colleges and Universities	Colorado State University Extension	Consumer Groups	Pueblo Economic Development Corporation
STEWARDSHIP																																			
Increase opportunities to experience natural, recreational, and agricultural areas.																																			
Identify new opportunities to connect people with the outdoors and emphasize those that are already in place.							✓	✓	✓	✓	✓	✓	✓				✓	✓							✓	✓									
Support conservation projects that protect and link open space areas.	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓				✓	✓							✓	✓									
Promote ecological literacy.																																			
Support experiential learning opportunities and education of the region's rich natural resources.																									✓	✓									
Use protected open spaces to help cultivate a conservation ethic.	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓				✓	✓							✓	✓									
RANCHING																																			
Direct land protection resources at priority ranching areas and capitalize on emerging opportunities.																																			
Use conservation easements, deed restrictions, and long-term leases to protect ranchland in priority areas.	✓	✓	✓	✓	✓									✓			✓		✓																
Pool adjacent or proximate conservation projects to enhance funding opportunities and preserve greater tracts of ranchland.	✓	✓	✓	✓	✓									✓	✓		✓												✓						
Help multigenerational ranching families expand operations through conservation purchases and land exchanges.																																			
Identify opportunities to replicate successful land exchange and acreage enhancement models.	✓	✓	✓			✓													✓			✓													
FARMING																																			
Increase the amount of protected irrigated farmland and water rights associated with that land.																																			
Use conservation easements, deed restrictions, and long-term leases to protect farmland in priority areas.	✓	✓	✓	✓	✓									✓	✓		✓																		
Pool adjacent or proximate conservation projects to enhance funding opportunities and preserve greater tracts of farmland.	✓	✓	✓	✓	✓									✓	✓		✓														✓				
Improve the economic viability of beginning and established farmers.																																			
Enhance farm to table infrastructure.							✓	✓	✓	✓	✓	✓	✓			✓															✓	✓			✓	✓
Assist new farmers in acquiring farms and becoming productive farmers.							✓	✓	✓	✓	✓	✓				✓															✓	✓		✓	✓	
HABITAT																																			
Direct habitat protection resources at priority species and ecological communities.																																			
Protect previously identified, globally significant habitat areas.	✓	✓	✓	✓	✓		✓					✓					✓	✓		✓	✓	✓	✓	✓												
Identify funding sources to support the protection of priority areas identified in this Plan.	✓	✓	✓												✓		✓	✓						✓											
Improve biological data resources.		✓										✓			✓		✓			✓	✓	✓	✓										✓			
SCENERY																																			
Preserve priority scenic viewsheds.																																			
Encourage parcel analysis along Frontier Pathways Scenic and Historic Byway; secure Federal Highway Administration byways funding and protect priority parcels.	✓		✓																								✓								
Protect scenic viewsheds along Interstate 25 (I-25) south of Pueblo through conservation easements and other available mechanisms.	✓		✓		✓							✓																							
Identify and protect other scenic areas within the region.	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓																						

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Avondale homeowner prepares for the next storm

By: Michelle Miguel (http://www.krdo.com/meet-the-team/michelle-san-miguel/34052352) (mailto:michelle.sanmiguel@krdo.com)

Posted: May 18, 2015 06:49 PM MDT
Updated: Jul 15, 2016 04:01 AM MDT

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Avondale homeowner prepares for the next storm

AVONDALE, Colo. - Anthony Ruybal isn't going to sit idly by and wait for the next storm to hit eastern Pueblo County.

Ruybal, 55, created a ditch across the street from his house on Avondale Boulevard to divert water away from his home.

"No one's paying me to do this. I didn't ask. I have to do this because I know what's going to happen if I don't do this," Ruybal said.

He acknowledged that the newly formed ditch is county property, but said he's doing what he needs to do to protect his property.

"I don't have the right because it's their ditch. But as long as I've lived here, they've never touched this ditch one time," he said.

Ruybal said he wants the county to build a bridge on Avondale Boulevard. He said the two county-managed culverts near his home aren't big enough for all of the water that flows downstream, toward his home.

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"They're too small for the massive water that we're getting," Ruybal said. "It needs to be a big opening."

Just last week, Avondale Boulevard flooded from a Mother's Day storm.

"The concerns are from the heavy, torrential rains that we get when a slow moving storm comes across the area and dumps a lot of water then it floods in these areas," said Chief Mark Mears, of the Pueblo County Sheriff's Office.

Mears said Avondale and Overton Road are two of the most flood-prone areas in Pueblo County. He said both pose concerns because of poor drainage in the area.

"It all comes to me right here and I want to try to keep it from flowing in my house, because I'm getting water three to four feet in my house," Ruybal said.

He said his latest project won't just help him. His neighbors have temporarily moved out while they wait for their house and furniture to dry out from the last storm.

"I'm trying to swim myself out of water by putting dirt, but the water's getting higher and I only could hold so much water until it floods me in," Ruybal said.

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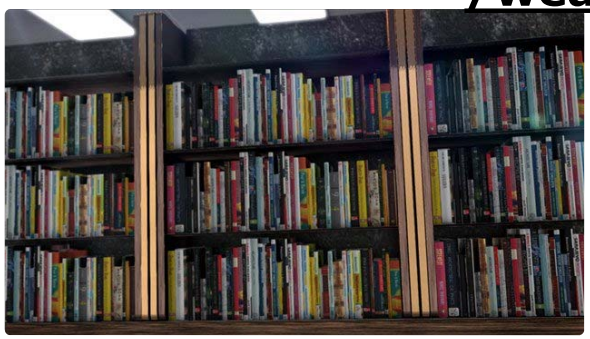

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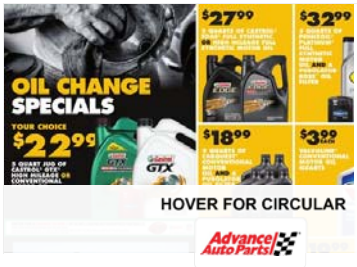

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