



CHAFFEE COUNTY

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MEMORANDUM

Date: October 12, 2011
To: Board of County Commissioners
Cc: Bob Christiansen, County Director of General Administration
Jenny Davis, County Attorney
From: Don Reimer, County Development Director
Subject: Nestle Project – Project and Condition Status
Nestle 2010 Annual Report Review

Background: The Board of County Commissioners granted approval of a 1041 Permit for the Nestle project via Resolution 2009-42, which included 44 conditions. Resolution 2010-20 approved a permit amendment with five additional conditions.

Several Permit conditions include timelines requiring an action within either 30 or 60 days of the permit effective date, and other conditions require completion either prior to construction or prior to operation of the project. Some conditions include no timelines, and are reviewed on an on-going basis or as part of the annual report.

A Notice to Proceed for Project Operations was issued on July 27, 2010. The purpose of this memorandum is to provide a summary of the 2010 annual report, a summary of the work completed on the project and compliance with County permit requirements, and to identify items which require on-going monitoring.

In the summary of conditions presented below, several items are identified as being “fully satisfied” based on the approved project plans. While further construction is not anticipated, additional construction would require either a Technical Revision or a Permit Amendment, and would therefore be subject to the original permit conditions.

1041 Permit Conditions. The following list is a summary of the condition, requirements, and status if applicable. Note that for several of the conditions, specifically those related to water, may not have specific timelines or submittals; however information related to the conditions will be reported in monthly, quarterly, and/or annual reports. For the complete condition language, please review the permit resolutions.

- 4.1 **Scope of Permit.** No timelines or submittals required.
- 4.2 **Technical Revisions or Permit Amendments.** No timelines. Several Technical Revisions and one permit amendment have been submitted and approved; see Attachment 1 for summary.
- 4.3 **Dispute Resolution.** No timelines or submittals required.
- 4.4 **Term of Permit.** Permit expires **October 22, 2019**, unless extended by Permit Authority.
- 4.5 **Commencement of Project.** Must commence by October 22, 2012; a Notice to Proceed was issued on July 27, 2010 and project operations commenced on August 19, 2010. The condition is fully satisfied.

- 4.6 **Transfer of Permit.** No timelines or submittals required.
- 4.7 **Permit Violation.** No timelines or submittals required.
- 4.8 **Annual Reporting.** Annual reports are due March 1 of each year for the prior year. The 2009 and 2010 reports were submitted as required, and the 2011 report is due March 1, 2012.
- 4.9 **Hagen Exception.** No timelines; see Attachment 3 for information.
- 4.10 **Financial Security.** A Letter of Credit in the amount of \$118,000 was submitted for the majority of the pipeline work, and a second letter of credit in the amount of \$45,000 was submitted for the River Crossing work. The Board of County Commissioners released the \$118,000 letter of credit on December 21, 2010 following completion of the majority of construction. The \$45,000 letter of credit will remain in effect until completion of the five-year monitoring period required by the Corps of Engineers.
- 4.11 **Compliance with Other Permits.** All required permits related to the project have been obtained and work was done in accordance with those permits; see Attachment 2 for a permit summary. Some permits require on-going monitoring until full acceptance of the permit terms.
- 4.12 **Cost Reimbursement Fund and Application Review Costs.** The \$200,000 fund was established in September 2009, and pre-approval review costs were paid in November 2009. County expenses related to the permit are invoiced monthly to Nestle, in accordance with the approved procedures. As of August 31, 2011, the fund balance is \$173,379.60.
- 4.13 **Bighorn Springs Land Management Plan.** Plan approved May 5, 2010, and includes sections on habitat protection, conservation easement, grazing, wetlands protection and weed management, with activity on the parcel documented in each year's annual report. At the recommendation of the NRCS and DOW, no grazing occurred on Bighorn Springs in 2010. The 2010 annual report includes a grazing plan for 2011, which specifies short-term grazing with a goal of stimulating vegetation growth and range productivity. A report was also submitted which established baseline data for the wetlands as the basis for the on-going annual wetlands monitoring required under the management plan.
- 4.14 **Ruby Mountain Land Management Plan.** Plan approved May 5, 2010, and includes sections on habitat protection, conservation easement, wetlands protection, and weed management. Grazing is not permitted on this property. The 2010 annual report discusses cleanup activities on site, on-going revegetation associated with the borehole and pump house construction, and the hatchery restoration planning process.
- 4.15 **Hatchery Restoration.** Plan approved April 26, 2010, and is a conceptual plan outlining objectives, stakeholders, schedule, and long-term site management. The 2010 annual report includes a summary of site cataloging and planning meetings that occurred in 2010. CMC completed an initial draft of the reclamation plan in June 2011, and Nestle is in the process of preparing a US Army Corps of Engineers 404 Permit application for submittal, with the goal of beginning restoration work in 2012.
- 4.16 **Wetlands and Groundwater Monitoring Plan.** Plan approved May 5, 2010, and includes requirements for daily measuring of surface and groundwater characteristics, monthly reporting of water flow measurements, a quarterly report of all required parameters, and a compilation into the annual report. Wetlands monitoring for Bighorn Springs is included in the Bighorn Springs Land Management Plan annual report, and after restoration of the hatchery, evaluation of the Ruby

Mountain property wetlands will be included in the Ruby Mountain Land Management Plan annual report.

4.17 Endowment and Annual Programmatic Contributions. The endowment was established in the spring of 2010, and the project annual report will include a summary of programmatic contributions each year. The 2010 annual report provides a detailed breakdown of \$59,775 in cash contributions and 1,454 cases of water to various local organizations.

4.18 Right-of-Way. CR 300 right-of-way was dedicated to Chaffee County through Bighorn Springs and Ruby Mountain parcels as required; see Attachment 3 for details. The right-of-way deeds include restrictions requiring coordination of weed management and dust control activities, and for major road construction. The condition is fully satisfied.

4.19 Wildlife Friendly Fencing. Fencing has been constructed as required along the pipeline alignment, and on the Bighorn Springs and Ruby Mountain parcels. The condition is fully satisfied.

4.20 River Wade Fishing. On June 1, 2010, the Board of County Commissioners accepted the terms of this condition as fulfilled; the executed easement documents were recorded June 3, 2011. The condition is fully satisfied.

4.21 Fishing Access. On June 1, 2010, the Board of County Commissioners accepted the terms of this condition as fulfilled; the executed easement documents were recorded June 3, 2011. The condition is fully satisfied.

4.22 Pipeline Requirements. All required road permits, ditch agreements, easement and right-of-way dedications and licenses pertinent to the pipelines have been submitted; see Attachment 3 for additional information. The condition is fully satisfied.

4.23 Buildings and Structures. All required permits related to the project have been obtained and construction has been completed in accordance with permit conditions; see Attachment 2 for a summary of permits and construction. The condition is fully satisfied.

4.24 Construction Conditions. No timeline; permit conditions were included in construction management plans approved prior to construction, and construction was completed in conformance with those plans. The condition is fully satisfied.

4.25 Local Construction Jobs. No timeline; project construction was primarily completed by local contractors; documentation was provided as part of July 23, 2010 memo and in the annual report. The condition is fully satisfied.

4.26 Local Drivers. No timeline; documentation provided as part of annual and other reports. The 2010 annual report indicated that over 60% of the round trip water deliveries were made by Chaffee County drivers. This condition will continue to be monitored each year as part of the project annual report.

4.27 Project Impacts Related to Well Pumping. No timelines or submittals required.

4.28 Augmentation Water Source Restrictions. No timelines; documentation provided as part of annual and other reports. This condition will continue to be monitored each year as part of the project annual report. The 2010 annual report indicates compliance with this condition.

4.29 Limitation on Project Depletions. No timelines; documentation provided as part of annual and other reports. This condition will continue to be monitored each year as part of the project annual report. The 2010 annual report indicates compliance with this condition.

- 4.30 **Approved SWSP or Augmentation Plan Required.** No timelines. The project is operating under a temporary SWSP until such time as a plan for augmentation has been approved. The Temporary SWSP approved by State Engineer on March 24, 2010 for the period of March 22, 2010 through March 21, 2011. The SWSP was reapproved April 15, 2011 for the period March 22, 2011 through March 21, 2012. The applicant has prepared an application to the water court for a plan for augmentation and submitted to County water counsel for review and comment. The 2010 annual report indicates that the application will be filed prior to the end of 2011.
- 4.31 **Augmentation Water Delivery Restrictions.** No timelines; documentation provided as part of annual and other reports. This condition will continue to be monitored each year as part of the project annual report. The 2010 annual report indicates compliance with this condition.
- 4.32 **Mitigation of Effects of Increased Demand on Augmentation Water Source.** The monthly and annual reports have been submitted as required.
- 4.33 **Pumping Well Operational Restrictions.** No timelines. Technical Revision # 8 allowed RMBH-3 to be the primary production well rather than RMBH-2. Diversions will be monitored on an ongoing basis as part of the monthly flow reporting and annual report.
- 4.34 **Construction of Pumping Wells.** No timelines. This condition requires that RMBH-3 be completed in a similar manner as RMBH-2. Technical Revision # 8 allowed minor adjustments to the well construction. The construction conditions are fully satisfied; however the operational restriction related to water levels in the well will continue to be monitored on a monthly, quarterly and annual basis as part of the surface and groundwater monitoring and mitigation plan.
- 4.35 **Surface Water Flow Measurements.** No timelines. This condition requires the applicant to record daily flow measurements of the upper flume and lower weir and report data to the County Staff monthly. Monthly reports are due on the 15th of the following month, and have been submitted as required. As part of the Hatchery restoration planning, there has been discussion regarding removal of the upper flume and replacement of that measuring point through a series of other devices. Staff believes this could be accomplished with an amendment to the Surface and Groundwater Monitoring and Mitigation Plan, and by a Technical Revision to the permit.
- 4.36 **Suspension of Pumping in the Event of Adverse Effects on Reconstructed Wetlands.** No timelines or submittals required. The wetlands have not yet been reconstructed; following the hatchery restoration monitoring of the wetlands will occur on a monthly, quarterly and annual basis as part of the surface and groundwater monitoring and mitigation plan, and Ruby Mountain Land Management Plan.
- 4.37 **Inclusion of Reconstructed Wetlands in SWSP or Augmentation Plan.** No timelines. The draft plan for augmentation has been submitted to Chaffee County for review, and includes a request for conditional water rights for restoring the riparian habitat and wetlands at the hatchery.
- 4.38 **Cessation of Diversions Upon Termination of Aurora Lease.** No timelines; the Aurora lease continues to be in effect.
- 4.39 **Restrictions on Acquisition of Additional Water Rights in County.** No timelines; the 2010 annual report indicates Nestle has not pursued any water rights in Chaffee County.
- 4.40 **Water Rights Filing and Administration Costs.** This condition requires Nestle to submit proposed SWSP and Plan for Augmentation to the County at least 30 days prior to their respective filings. The 2010 and 2011 SWSP's, and the draft plan for augmentation were each submitted to Chaffee County prior to filing with the State, in accordance with this condition.

4.41 **Trout Creek Pass Improvements Lobbying.** No timelines or submittals required. The 2010 annual reports indicates Nestle will assist with these efforts when requested by the County. CDOT has included in the STIP construction of passing lanes on Trout Creek Pass for construction in CDOT FY 2014 and 2015.

4.42 **Limits on Truck Traffic.** No timelines; the 2010 annual report shows that trucking commenced August 19 and that between August 19 and December 31, trucking occurred on 30 days, with a maximum of 8 round trip deliveries in any given day, all in accordance with the permit condition.

4.43 **Emission Standards.** No timelines; documentation of trucks used is supplied in the annual report.

4.44 **No Idling During Loading.** No timelines; the annual report indicates idling only occurred on a limited basis during engine start up in cold weather conditions.

Additional Conditions imposed by Resolution 2010-20 (Permit Amendment # 1):

4.45 **Emergency Access.** Requires construction of an emergency access on the east bank of the river. Access has been constructed in substantial conformance with approved plans. The condition is fully satisfied.

4.46 **Revegetation.** Revegetation plan shall meet the requirements of the County and DOW. Revegetation will be monitored as part of the Weed Management Plan as well as the USACE permit monitoring plan.

4.47 **Construction Plans.** Update construction management plan to include terms of the USACE permit. The plan was updated as required and construction was completed in conformance with those plans. The condition is fully satisfied.

4.48 **Army Corps of Engineers.** Prior to beginning any construction other than staging, receive Corps permit approval. USACE permit approved March 2. The condition is fully satisfied; however the USACE permit does include a 5-year monitoring requirement.

4.49 **Town Water Pipeline.** Easements have been granted and are summarized in Attachment 3. The condition is fully satisfied.

Report Submittal Deadlines: Nestle representatives and staff identified some conflicting terms within the permit conditions of Resolution 2009-42 related to monthly and annual water reporting deadlines. There was prior agreement that the water year (November 1 through October 31) will be used for water related reporting. Nestle and staff have agreed to the following report submittal dates:

- Section 4.8, calendar year report, due March 1. The annual report will include all project related activities for the calendar year, with the exception that the annual water reports follow the water year. For example, the 2011 annual report would be submitted on March 1, 2012 and include all activities (truck deliveries, local employment, monitoring and restoration activities, conservation and fishing easements, endowment, etc), for January 1 through December 31, 2011, while water reporting (pumping, surface flow, Aurora operations) would be for the water year of November 1, 2010 through October 31, 2011.
- Section 4.13, Bighorn Springs Land Management Plan. The plan requires submittal of an annual grazing plan by March 1 (as part of project annual report), and an annual grazing report by November 1 of each year.

- Section 4.16, Surface and Groundwater Monitoring and Mitigation Plan. The plan requires documentation of changing conditions of the wetlands and ditch diversion records as part of the annual report, quarterly reporting of groundwater and climate information (due within 45 days following the end of the calendar quarter), and monthly reporting of well pumping and surface flows (see 4.33 and 4.35 below).
- Section 4.32b, Aurora operations. These reports shall be submitted by the 15th of every month for the month preceding the previous month, i.e. March 2010 data is reported by May 15, 2010.
- Sections 4.33 and 4.35, monthly well pumping and surface flow reporting. These reports shall be submitted by the 15th of every month for the prior month data, i.e. March 2010 data is reported by April 15, 2010.
- Under the deed restrictions for the right-of-way for CR 300 adjacent to the Ruby Mountain property, Nestle is responsible for dust control application and weed control for that section of road, and shall inform the County of plans for weed control and dust suppression by March 1.
- Under the deed restrictions for the right-of-way for CR 300 adjacent to the Bighorn property, Nestle is responsible for weed control for that section of road, and shall inform the County of plans for weed control by March 1 each year.
- Under the right-of-way deed restrictions, Chaffee County is to notify and give Nestle opportunity to comment on any construction plans on CR 300 near the Nestle property.

Compliance with Permit Conditions. As detailed above, Nestle is in compliance with all permit terms and conditions. I hope this summary is of assistance in responding to inquiries by members of the public or other interested parties regarding the Nestle project. A similar update will be provided on an annual basis following submittal of the annual report.

Please feel free to contact me with any questions or comments.

Attachment 1 – Technical Revisions and Permit Amendments

Permit Amendments:

- Permit Amendment # 1 was approved February 22, 2010 by Resolution 2010-20, to change the method of River Crossing.

Technical Revisions:

- Technical Revision # 1 was approved November 3, 2009, related to changes at the load station, to add an office space.
- Technical Revision # 2 was approved February 23, 2010 to adjust the alignment of portions of the pipeline.
- Technical Revision # 3 was approved March 10, 2010 to adjust the alignment of the pipeline within the Gunsmoke property.
- Technical Revision # 4 was approved April 5, 2010 to add a discharge line to dispose of excess spring water.
- Technical Revision # 5 was approved April 23, 2010 to modify the method of road crossing for a cut in CR 301.
- Technical Revision # 6 was approved June 9, 2010 to change the location of the excess spring water discharge line point of discharge. Revision to TR # 6 approved June 14, 2010.
- Technical Revision # 7 was approved June 23, 2010 to change the operational truck – tanker combination from a 400 hp, 6500 gallon combination to a 500 hp, 8200 gallon combination.
- Technical Revision # 8 was approved August 18, 2010 to modify the dimensions of the RMBH-3 pump house, modifications of the well construction for RMBH-3, and to allow RMBH-3 to be the primary production well.
- Technical Revision # 9 was approved September 13, 2010 to modify the approved Load Station site plan related to on-site truck and tanker parking. TR-9 includes conditions for construction of the future parking area.

Attachment 2 – Summary of Permits and Construction

State and Federal Construction Permits:

- CDPHE approved CDPS General Permit (Stormwater Management) Number COR0300, Certification Number COR03E995.
 - Permit remains in effect and erosion control stays in place until vegetation re-established.
- USACE Nationwide Permit SPA-2008-00255, approved March 2, 2010.
 - Construction completed, annual monitoring report required for 5 years.

Construction Documentation: All required construction documentation has been submitted for the load station, pipeline, and pumphouses, including archaeological monitoring, as-built drawings, and ditch company sign-offs.

Project Letters of Credit and Security:

- Citibank, dated January 15, 2010; \$118,000; released December 21, 2010.
- Collegiate Peaks Bank, dated February 18, 2010, \$45,000; specifically for River Crossing portion of pipeline on Moltz, Chaffee County, and Gunsmoke property. The letter of credit continues to be in effect.
- Cost Reimbursement Fund is available to cover remaining costs for re-vegetation if necessary.

Load Station (12974 US 24/285): Site work, including fencing, lighting and landscaping requirements, has been completed in accordance with plans submitted and approved as part of the 1041 permit approval process, and as amended through approved technical revision processes.

- CDOT approved Highway Access Permit # 509146 received December 23, 2009; CDOT final approval of access improvements 7/28/2010
- State of Colorado well permit # 219154-A for inside and irrigation use, February 4, 2010.
- Buena Vista Sanitation District approval of sewer connection May 11, 2010.
- CO issued July 22, 2010

County Permit No.	Location / Reason	Issue Date	Date Final Completion	Permit Fee
55657	Demolition prior structures	1/20/2010	Feb 2010	\$50
55668	Building – Load station	2/25/2010	7/20/2010	\$431.97
55793	Temp Electric	2/22/2010	2/24/2010	\$46
55874	Electric	3/5/2010	7/19/2010	\$408.25
55939	Plumbing & Mechanical	3/22/2010	7/20/2010	\$1,127

Pipeline: The entire length of pipeline has been revegetated, with fencing replaced as required. The revegetation is subject to on-going monitoring and is covered by the project letter of credit.

County Permit No.	Location / Reason	Issue Date	Date Final Completion	Permit Fee
55718	CR 300 – Perpendicular Road Crossing	2/5/2010	5/27/2010	\$200
55719	CR 301 – Perpendicular Road Crossing	2/5/2010	5/27/2010	\$200
55720	CR 301 – Longitudinal work in right-of-way	2/5/2010	6/14/2010	\$177.56

Bighorn Parcel Site Work: Site work has been completed as shown in the approved and amended site plans, including wildlife friendly fencing around the perimeter, exclusionary fencing of the wetlands, cleanup of debris, and access improvements, have been completed as required. Revegetation has been completed, and will be monitored until approved by the County Weed Manager. Revegetation is secured by the cost reimbursement fund.

Boreholes (Ruby Mountain Springs property - 22565 CR 300):

- The well permit for production well RMBH-2 (69092-F) was issued April 5, 2010; and the well permit for backup well RMBH-3 (69165-F) was issued April 29, 2010.
- RMBH-2 well house CO issued July 20, 2010
- RMBH-3 well house CO authorized March 7, 2011
- Some remaining site work including grading, fencing, and revegetation, will be on-going and coordinated with hatchery restoration work. Remaining site work is secured by the cost reimbursement fund, with possible additional bonding for the hatchery restoration.

County Permit No.	Type / Reason	Issue Date	Date Final Completion	Permit Fee
55648	County Road Access - Driveway	1/15/2010	6/28/2010	\$100
55669	Building – Wellhouse for RMBH-2	2/25/2010	7/20/2010	\$50
55985	Electric – RMBH-2	4/5/2010	6/21/2010	\$166.75
56418	ISDS Disconnection	6/3/2010	6/3/2010	\$30
-	Demolition - Mobile Home	4/29/2010	May, 2010	-
-	Demolition - House	4/29/2010	June, 2010	-
-	Demolition – Accessory Structures and Hatchery	5/14/2010	June, 2010	-
57229	Building – Wellhouse for RMBH-3	10/27/2010	3/7/2011	\$78.81
57760	Electric – RMBH-3	12/17/2010	2/3/2010	\$339.25

Construction Work / Documentation remaining for on-going compliance with conditions

- Load station site work related to proposed TR# 9 (TR # 9 has been approved; construction of part of the parking area is future proposal and includes conditions)
- Ruby Mountain borehole wellhouse fencing, grading, and revegetation.
- Bighorn property access location if Hagen parcel created. The approved site plan shows a relocation of the access road to the southeast property corner, to share with the potential Hagen parcel. The road has not been relocated; the existing road is preferable as it is shorter and reduces land disturbance. The access will be reevaluated if / when the Hagen exclusion parcel progresses.
- USACE Permit 5 years of review
- Release of State of Colorado Stormwater discharge permit.
- Weed mitigation and revegetation for the pipeline route, Ruby Mountain, and Bighorn Springs parcels.
- Hatchery Restoration

Attachment 3 – Summary of Property, Easements, and Ditch Agreements

Nestle Properties:

Property Name	Grantor	Rec. Number	Date Recorded	Compensation
Ruby Mountain	Hagen	385527	12/30/2009	\$2,850,000
Bighorn Springs	McMurry	366499	5/7/2007	\$860,000
Load Station	Gunsmoke (Hansen)	385456	12/28/2009	\$1,125,000

Hagen Exception: A “Notice of First Right to Purchase” was recorded 12/30/2009 at Reception No. 385529. This agreement allows Hagens to purchase 15 acres of the Bighorn Springs property if Nestle were to sell to another party prior to December 30, 2019. A subsequent “Termination of Notice of First Right to Purchase” was subsequently recorded April 8, 2010 at Rec. No. 387213.

Chaffee County Roads 300 and 301 Right of Way:

Segment	BOCC Approval Date	Chaffee County Resolution No.	Deed Reception Number	Date Deed Recorded
CR 300 - Bighorn Springs	12/15/2009	2010-04	385704	1/11/2010
CR 300 - Ruby Mountain	4/6/2010	2010-31	388727	7/8/2010
CR 301 – Frees*	None	None	386568	3/4/2010

* Nestle apparently located in some title work a deed showing Frees as owner of a portion of the CR 301 right-of-way, located in Section 27, and obtained a Quit Claim deed to Chaffee County.

CR 300 Deed Restrictions: Each CR 300 Right-of-Way Deed includes limitations on construction improvements by the County without notice to Nestle, and commitment by Nestle to do certain maintenance, including weed management and dust control.

Pipeline Easements:

Pipeline Segment	Grantor	Rec. Number	Date Recorded	Compensation
A	SL Jacobson, LLC (Cogan)	386561	3/4/2010	\$10
B	McMurry Land and Caulte	386562	3/4/2010	\$2,400
B	UPRR Pipeline Encroachment Agreement	Not Recorded	1/1/2009 (date executed)	\$20,000
B	UPRR Supplemental Agreement	Not Recorded	10/22/2009	\$10,000
B	River Rock Ranch (Schoger)	386563	3/4/2010	\$5,000
B / C	Chaffee County (License in road ROW)	386532	3/3/2010	\$381 annually
C	Colorado DOC (Right of first Offer for Easement)	387229	4/9/2010	\$650 annually for license
C	B&L Cogan LLC	386564	3/4/2010	\$10.00
C	Moltz / Cordova	386565	3/4/2010	\$4,575
C / D	Moltz	386566	3/4/2010	\$67,955
D	Chaffee County (Easement for river crossing)	386659	3/10/2010	\$7,364
D	Gunsmoke (Hansen)	385460	12/28/2009	0
D	Gunsmoke (Hansen) (amended) (re-recorded)	386983 388386	3/29/2010 6/16/2010	0
Discharge	Moltz (amended)	387875 388744	5/20/2010 7/9/2010	0

Ditch Agreements:

Ditch	Ditch Owners	Rec. Number	Date Recorded	Compensation
Trout Creek (includes as built)	CDOC, Moltz	388293	6/14/2010	\$5
Helena As Built	CDOC, Cogan	387230 388291	4/9/2010 6/14/2010	\$5
Bray As Built	River Rock Ranch	386567 388292	3/4/2010 6/14/2010	\$10

Colorado Division of Wildlife Easements:

Property	Type	BOCC Approval Date*	Rec. Number	Date Recorded
Bighorn Springs	Vehicular, Pedestrian, and Wade Fishing	6/1/2010	394246	6/3/2011
Ruby Mountain	Wade Fishing and Vehicle Parking**	6/1/2010	394245	6/3/2011

* The easements were approved as conditionally completed by the County to allow start of operations, due to time constraints including approval by the State legislature.

** The parking easement was requested by DOW for additional vehicular parking near CR 300, between Ruby Mountain and AHRA property, and was included in the Ruby Mountain easement. The parking easement was not a condition of the 1041 permit.

Town of Buena Vista Pipeline Easements / Agreements:

Grantor	Approval / Town Resolution No.	Rec. Number	Date Recorded
Moltz letter of intent dated 2/18/2010, easement granted	2010-24	388542	6/25/10
Chaffee County (River Crossing)	2010-21	386660	3/10/2010
Nestle (agreement for pipeline construction and transfer)	2010-22	388543	6/25/2010
Gunsmoke (Hansen) letter of intent dated 2/26/2010, easement granted	2010-73	390770	11/4/2010