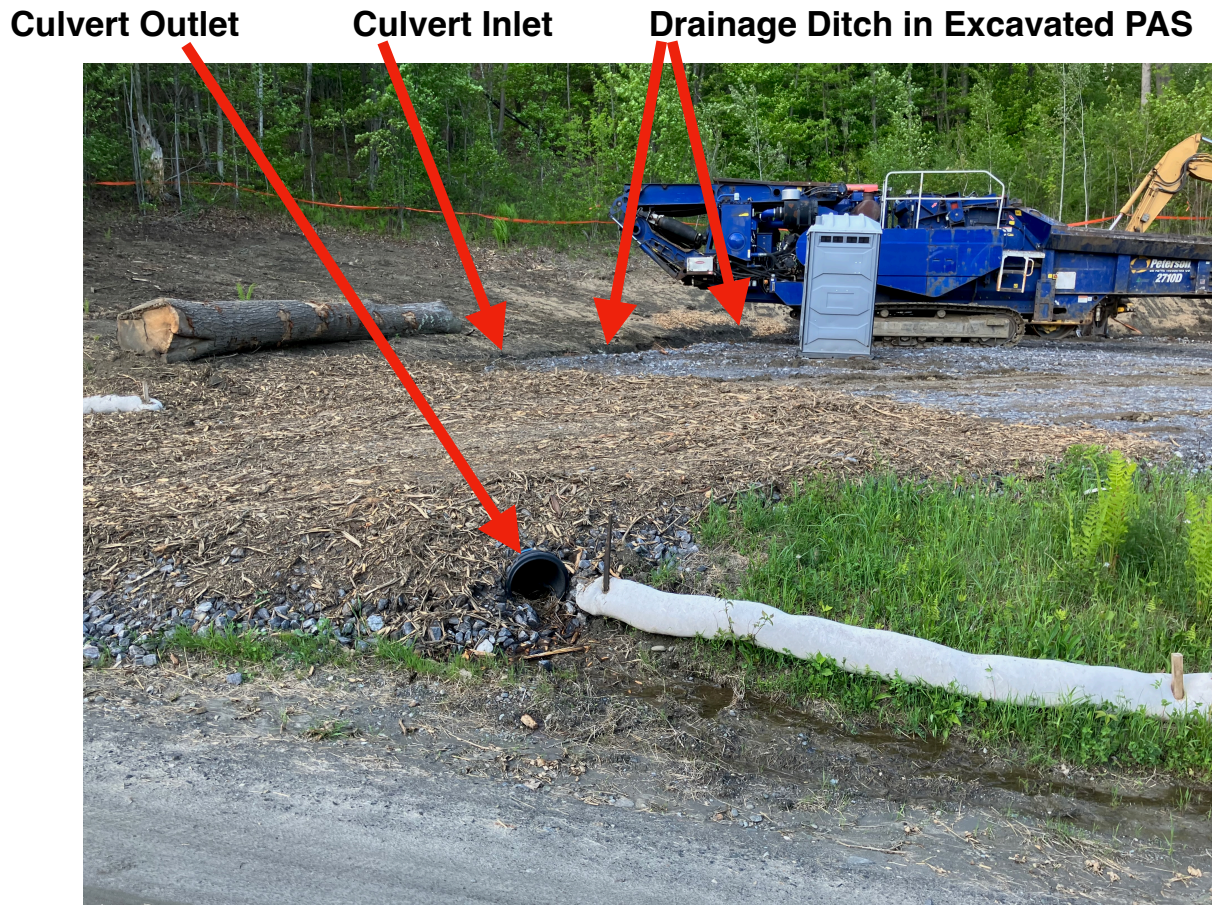


**May 27, 2026 Public Comment on PUC Case No. 21-2939-NMP**

Earlier today (May 27, 2026) Michael Binder filed a third CPG Violation Complaint with DPS because the developer has now violated another condition of the CPG.

After having improperly excavated PAS from the staging area, the applicant has now put a drainage ditch in the remaining PAS of the staging area. The drainage ditch drains into a culvert, and the culvert outlet drains into the town right-of-way on Davis Road (see photo).

Rule 5.106(D)(5)(e) requires that a Site Plan have “Detailed plans for any drainage of surface and/or sub-surface water”, however no culverts or drainage ditches are shown anywhere on the Site Plan. The excavation and drainage of PAS in the staging area constitutes a substantial and unpermitted modification of this project.



**This photo of the staging area was taken on 5/26/26.**

On May 21, 2026 the developer filed a CPG Holder’s Self-Report Of CPG Non-Compliance. The Self-Report did not acknowledge that the developer had violated Rule 5.106(D)(5)(e) or that the developer has made substantial and unpermitted modifications to the project plan.

The applicant’s proposed remedies for non-compliance are unsatisfactory. The PUC should immediately halt construction at the site until the issues are sorted out and the project amended to meet CPG conditions.