



## Board Summary Report

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**File #:** 22-391

**Agenda Date:** 7/12/2022

**Agenda #:** 6.b.

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**To:** Board of County Commissioners

**Through:** Bryan Weimer, Director, Public Works & Development  
Jason Reynolds, Planning Division Manager, Public Works & Development

**Prepared By:**  
Kat Hammer, Senior Planner, Public Works & Development

**Presenter:** Kat Hammer, Senior Planner, Public Works & Development

**Subject:**

UASI21-003 Bronco Pipeline Company Gathering System Phase I & II Use By Special Review/1041 Major Amendment

**Purpose and Request:**

The applicant, Crestone Peak Resources Midstream, LLC is requesting an amendment to Broncos Pipeline Company Gathering System - Phase I and II Use by Special Review Plan (USR) narratives, case numbers U13-001 and U14-001.

**Background and Discussion:**

The proposed amendment would allow for the inclusion of freshwater pipelines within the pipeline easements, freshwater and/or produced water pipelines greater than 14 inches in diameter, and clarify the types and total number of utilities proposed within the easements. The previously approved USRs allow for installation of three co-located gathering pipelines (oil, natural gas and produced water) and a fiber optic cable installation. This proposal includes the introduction of freshwater pipeline and clarifies that the pipeline corridor may include different types of lines (one of each type, two oil lines, multiple water lines, etc.). Although the applicant does not have an anticipated construction start date, approval of this application would allow pipeline construction in the future.

The amendment also proposes an increase of the maximum allowable width of easements obtained from

landowners, from 75 feet to 100 feet. Phase I and Phase II allow for a 75-foot permanent easements and 50-foot permanent easement, respectively, with a 25-foot temporary construction easement. If this amendment is approved the maximum easement width for both phases of the project shall not exceed 100 feet.

On June 7 2022, the Arapahoe County Planning Commission voted 4-2 to recommend approval of this application with the staff recommended conditions of approval. Five members of the public were present, four of whom spoke. The Rangeview Metropolitan district was opposed; two residents were in favor; and one resident was undecided.

Since the Planning Commission recommendation, staff has revised the recommended conditions of approval to ensure condemnation will not be used to acquire additional easements, and further clarify the infrastructure shall not be used for domestic purposes (conditions 15 and 16).

**Fiscal Impact:**

If this amendment is approved, and once construction is complete, traffic associated with the oil and gas operations will likely be reduced, as vehicles that would have trucked materials are off the road. Reducing the amount of traffic required for oil and gas operations, could reduce the wear and tear on the County roads.

**Alternatives:**

The Board of County Commissioners can approve the Application with Conditions of Approval; continue to a date certain for more information; or deny the Application

**Alignment with Strategic Plan:**

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

**Staff Recommendation:**

Arapahoe Public Works and Development staff recommends approval of this application. Subject to the following conditions of approval:

1. Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development comments.

2. All necessary utility easements must be executed and recorded prior the commencement of construction.
3. Prior to water line construction, applicant shall provide Arapahoe County with documentation from Water Court, a water provider, or certification by the Division of Water Resources identifying all sources of water, the duration of the water use, certification that the water is authorized for oil and gas usage, and that the water is allowed to be used in Arapahoe County/the destination basin.
4. The fresh water pipe line shall only be used to provide service to oil and gas facilities, firefighting activities and shall not provide service to agricultural, commercial, residential, or other uses.
5. Prior to commencement of construction, the applicant shall be required to obtain all necessary permits including a Grading, Erosion and Sediment Control (GESC) permit, a Street Cut and Right-of-Way Use Permit, a Floodplain Development Permit, and possible Oversize/Overweight Vehicle Permit, from Arapahoe County Public Works and Development.
6. The applicant agrees to enter a License Agreement if the pipelines are proposed to cross the County's right of way.
7. The applicant shall provide Traffic Control Plans to the County prior to approval of construction documents and issuance permits from County Engineering Services Division and the Building Division.
8. Prior to construction, the applicant shall provide a copy of the inspection and report of paleontological, historic, or archaeological importance, as well as mitigation measures if any issues are noted during the inspection by a third party consultant.
9. The applicant shall conduct a nesting raptor survey prior to the commencement of construction, if construction begins during the nesting season, March 15 through August 31.
10. The applicant shall contact the County, appropriate emergency offices and personnel in accordance with federal, state and local requirements if any spills occur.
11. The applicant shall comply with Tri County Health Department regulations.
12. The applicant shall construct, maintain and operate the pipeline in compliance with all applicable federal and state laws and regulations, including but not limited to: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT), Transportation Security Administration

(TSA), and Colorado Public Utility Commission (COPUC).

13. The applicant shall comply with the measures and procedures described within the Product Spill Response and Emergency Plan.

14. The applicant shall obtain all necessary permits from Public Service Company of Colorado dba Xcel Energy.

15. Condemnation shall not be used to acquire additional easements from property owners.

16. Approval of a 1041 application for a major water and sewer project will be required if the infrastructure is proposed for domestic purposes.

**Concurrence:**

The Arapahoe County Planning Commission recommended approval of this application.

**Resolution:**

A draft resolution is attached to this report.