

ARAPAHOE COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
June 7, 2022  
6:30 P.M.

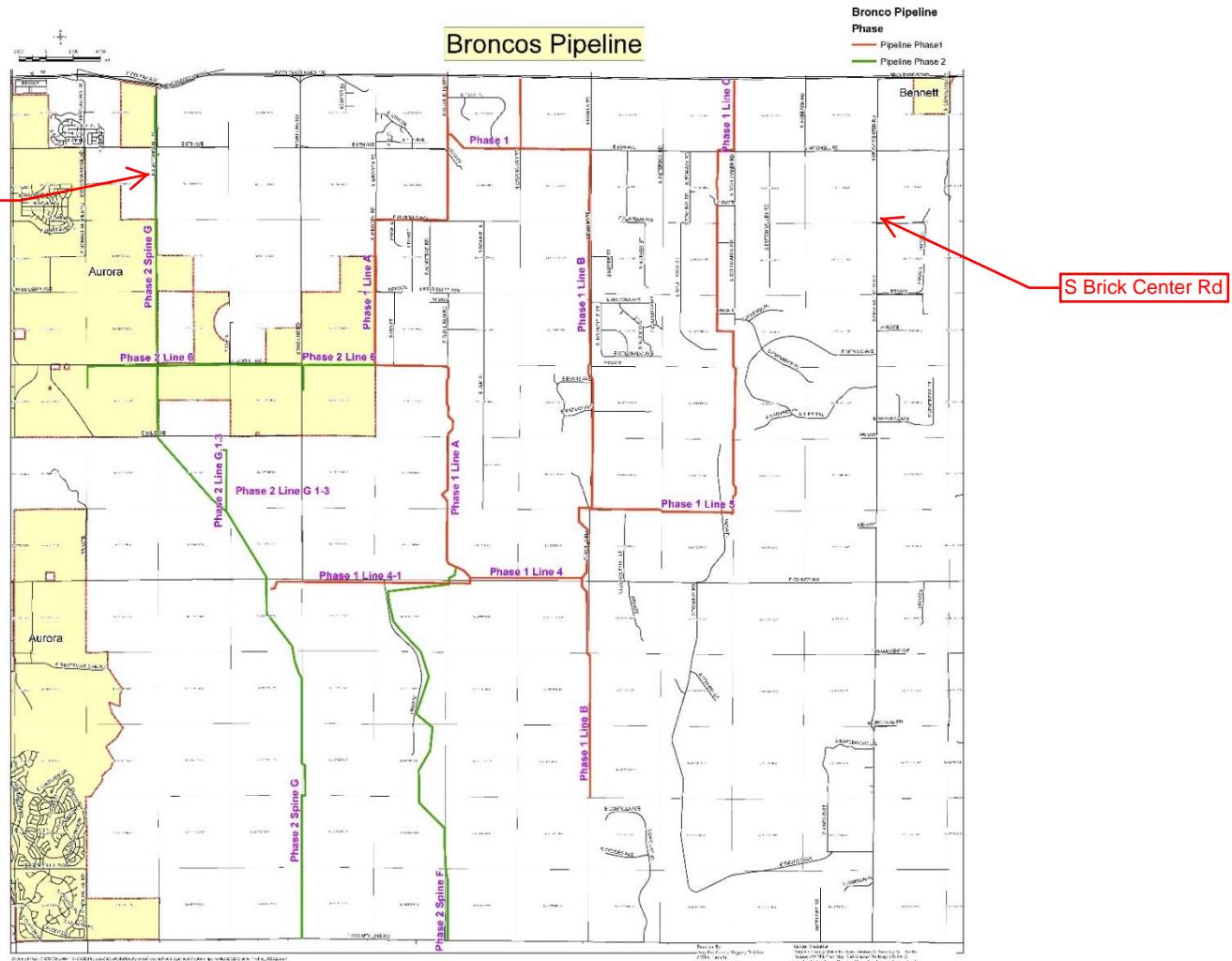
**SUBJECT: UASI21-003 BRONCO PIPELINE COMPANY GATHERING SYSTEM PHASE I & II USE BY SPECIAL REVIEW/1041 MAJOR AMENDMENT**

KAT HAMMER, SENIOR PLANNER

May 26, 2022

**LOCATION:**

This proposal is in Commissioner's District #3. The site is generally located between North Hayesmount Road on the west to South Brick Center Road on the east and the northern and southern border of Arapahoe County. See the attached document title "Crestone Midstream Lines & Amendment" for a better understanding of the previously approved pipeline corridor.



**PROPOSAL:**

Crestone Peak Resources Midstream, LLC is proposing 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. 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. Staff is proposing a Condition of Approval (COA) requiring all necessary utility easements must be executed and recorded prior the commencement of construction.

**RECOMMENDATION:**

Staff recommends the application be approved based on the findings and subject to the COAs outlined herein.

**I. BACKGROUND**

The existing zoning is A-1, I-2, I-2 PUD, MU-PUD, MU, RR-A, and RR-B for the area of the gathering system. Land uses along the alignment of the gathering system are primarily ranchland and dry-land farming with some rural large-lot development. There are also industrial and office uses located on East Quincy near Watkins Road.

Phase I and Phase II of this project were approved by the Board of County Commissioners (BoCC) on June 18, 2013 and June 17, 2014, respectively. Since the initial approvals, the applicant received approval of three technical amendments for minor realignments, two administrative amendments for additional pipeline and one administrative amendment for the addition of a 200-foot freshwater pipeline.

**II. DISCUSSION**

Staff review of this application included a comparison of the proposal to: 1) applicable policies and goals outlined in the Comprehensive Plan; 2) Use by Special Review Regulations; 3) 1041 Regulations Governing Areas and Activities of State Interest; and, 4) analysis of referral comments.

**1. The Comprehensive Plan/Lowry Range Sub-Area Plan**

The Comprehensive Plan designates the majority of the project area as “Rural Area.” The Comprehensive Plan defines this designation as “The County will discourage non-residential uses from occurring in the Rural Area, including uses permitted by special review, unless they are

agriculture-related or are a public facilities and services." The proposed amendment is in conformance with the Arapahoe County Comprehensive Plan, in that it provides for development of public facilities and services within the "Rural" Land Use Area.

This proposal complies with the Arapahoe County Comprehensive Plan as follows:

*GOAL PFS 12 – Minimize Impacts of Local and Regional Public Facilities and Utility Facilities.*

This proposed amendment does not require the construction of additional permanent infrastructure such as roads, power lines, municipal water, or telecommunications facilities. Additionally, the project is collocated within existing pipeline corridors, minimizing the impacts to existing and future land use.

*POLICY PFS 12.2 – Consider Utility Needs to Support Needs to Support Growth and Development of the Region.*

This proposed amendment seeks to entitle the right to create a more productive pipeline easement, as opposed to creating additional pipeline corridors.

*POLICY PFS 12.3 – Require Land Use Compatibility when Siting Local and Regional Utility Facilities.*

This proposed amendment seeks to modify the existing pipeline corridor. The primary use of the surrounding property is livestock grazing and dry land farming. Future construction is not expected to significantly impact the compatibility of the adjacent land uses.

*POLICY NCR 7.5 – Minimize the Impacts of Oil and Gas Development on the Environment, Surrounding Land Uses and the Roadway Network.*

This proposed amendment seeks to entitle the right to create a more productive pipeline easement, as opposed to creating additional pipeline corridors. The proposed freshwater pipeline is expected to reduce the amount of truck traffic on the roadway system and reduce the pavement degradation.

**2. Land Development Code – Use by Special Review Regulations**

Section 5-3.4 of the Land Development Code provide approval criteria for this type of application. The Board of County Commissioners may approve a Use by Special Review application, if the proposal meets all of the following criteria:

- a) *Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.*

The proposal is not anticipated to have any negative impacts on existing and planned infrastructure. The applicant has indicated this amendment will not require support from

any existing or future water or sewer systems and will not have any impact to existing drainage patterns, since the pipeline infrastructure is underground. The applicant has indicated five water sources they currently have in place. Staff is recommending a COA requiring the applicant provide 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. Staff is also recommending a COA to ensure the water pipe line shall provide service to oil and gas facilities, firefighting activities and not to other uses.

Impacts to local roads will vary day by day for future construction. Staff is proposing a Condition of Approval (COA) requiring the applicant to provide Traffic Control Plans to the County prior to approval of construction documents. 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.

- b) Assure compatibility between the proposed development, surrounding land uses, and the natural environment.*

The primary land uses for the areas adjacent to the pipelines easements is livestock grazing and dry-land farming. This amendment is not proposing any construction at this time but the applicant has indicated the disturbances to the existing uses during construction will be minimal. The applicant has indicated the disturbance during construction would be limited to the parameters of the pipeline easements and temporary workspaces as determined by the agreements with property owners.

Future pipeline installation/construction will result in intermittent and short-term air pollutant emissions, fugitive dust emissions and diesel combustion. The applicant has indicated at the time of construction, water will be used to control dust on access roads and temporarily disturbed areas, speeds will be limited to 15 miles per hour for vehicles traveling along disturbed areas and clearing will be avoided when winds exceed 35 miles per hour. Emissions associated with construction are not expected to cause or substantially contribute to a violation of any applicable ambient air quality standard.

Visual quality will not be substantially impacted by this amendment because any impacts would be temporary and short-term. Existing ground cover consists primarily of dryland pasture and short-grass prairie and there are no buildings or structures planned for this amendment. Farming and grazing is expected to continue after construction.

Surface water quality and groundwater quality and quantity are not expected to be substantially impacted by this amendment. There is no construction proposed with this amendment, however if any future construction within the easements is proposed, the applicant will be required to submit a Grading, Erosion, Sediment, Control (GESC) Plan for review by Arapahoe County Public Works. Groundwater quality could be impacted by spills of fuel during construction and by leaks or breaks in the pipeline. The applicant has provided staff with their Product Spill Response and Emergency Plan (included in the

previously approved field wide GESC report) and has indicated the measures described within the plan will be followed in case of a spill, leak etc.

The applicant has identified threatened terrestrial and aquatic animals within or near the existing pipeline corridor. Staff is recommending a COA requiring the applicant to reduce impacts to wildlife by scheduling construction outside of nesting and breeding times.

If this amendment is approved, minimal impacts to terrestrial and aquatic plant life are expected. Most of the plant life along the corridors consists of rangeland grasses and dry land crops. Due to the relatively small footprint of the easements, minimal impacts are anticipated from any future construction. Reclamation of disturbed areas will be reviewed and determined at the time of county review of the GESC Plan. The applicant has indicated any lands disturbed during construction will be reclaimed and all equipment will be stored within specified easements and along temporary construction roads.

Soils, geological conditions and natural hazards are not anticipated to be substantially impacted by this amendment due to the existing facilities in or near the gathering system corridors. Farmland soils that are to be crossed by any future construction are dryland/rangeland.

- c) Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.*

The project is not expected to have an impact on the availability of public services. Future construction and operation of the project is not anticipated to affect the demand for local government services or the capability of local governments to provide services.

Arapahoe County Sheriff's Office did not have any concerns or comments regarding the amendment. Bennett-Watkins Fire and Rescue indicated no specific objections to the proposed amendment during the referral process, but the applicant shall coordinate with the Bennett-Watkins Fire Protection District and ensure that the proposed development conforms to the adopted International Fire Code standards. The fire district also requested the applicant discuss opportunities in the future to install fire hydrants for emergency firefighting activities along future freshwater routes. The applicant has indicated they will reach out to Bennett-Watkins Fire Protection to discuss the possibilities of installing hydrants for emergency firefighting activities.

- d) Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.*

This amendment does not propose any infrastructure that would preclude the possibilities for the present and future residents of Arapahoe County for appropriate supporting activities, such as employment, housing, leisure-time, and retail centers that are in close proximity to one another.

e) *Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.*

The project is not anticipated to have impact on public safety or health. No significant sources of noise, dust, glare, fumes, vibrations, or odors are anticipated to be caused by the project at the time of any future construction. During construction, dust will be controlled by watering roads and other disturbed areas. Noise and fumes from heavy equipment will be minimized. There are no airport hazards associated with this amendment.

This project is not anticipated to create additional impacts to the existing floodplain limits, wetlands or riparian areas. All floodplains, wetlands and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements (submitted concurrent or prior to the County GESC Plan review). Wetlands will be avoided by rerouting of the pipeline or by crossing the wetland with either a Horizontal Directional Drilling (HDD) or a bored crossing technique.

f) *Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site, interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.*

This amendment will not impact any existing adjacent uses or infrastructure's ability to provide accessibility. This amendment does not propose any infrastructure that is intended for public use or access.

g) *Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.*

This amendment will minimize disruption to existing vegetation, streams, lakes, soil types and other relevant topographical elements. There are existing facilities in the gathering system corridors and the applicant does not anticipate significant issues with soils, geologic conditions, or natural hazards. Any crossings of streams, lakes and other drainage ways will be done in accordance with the USACE 404 Permit requirements.

h) *Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.*

This project will not degrade the quantity or quality of recreational opportunities or experiences because pipelines are below the surface.

- i) *Enhance the useable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.*

This project will not degrade the quantity or quality of recreational opportunities or experiences and does not impact existing, usable open spaces in Arapahoe County.

### **3. 1041 Regulations Governing Areas and Activities of State Interest**

The 1041 Permit approval criteria for a Major Electrical, Natural Gas and Petroleum Derivative Facilities of a Private Company shall comply with the criteria set forth in the 1041 Regulations, Part V, Sections A and C, along with Appendix A. Section V of the 1041 Regulations allows approval of a permit if the proposed activity complies with the following general criteria:

Part V, Section A. General Approval Criteria: [See applicant's response to approval criteria starting on page 9 of 60 of the Application Narrative. Staff response to approval criteria below]

1. *Documentation that prior to site disturbance associated with the Proposed Project, the applicant can and will obtain all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.*

The applicant can and will obtain all necessary property rights, permits and approvals prior to construction. The applicant is not subject to the Mineral Right Notification requirement per CRS Title 24-65.5-102. The applicant has indicated they understand all necessary federal, state and county permits will be required prior to the commencement of construction, staff has included this as a COA.

Any future construction within the corridor will require approval of a GESC Plan from the County, as well as Street Cut and Right of Way (ROW) Use permits for any ROW crossings from the County. Acquisition of land rights in the form of easements from property owners will be required prior to approval of the GESC Plan and issuance of ROW permits. Staff is recommending a COA requiring the applicant to provide a copy of the recorded easements prior to approval of the GESC Plan.

2. *The Proposed Project considers the relevant provisions of the regional water quality plans.*

At this time, there is no construction proposed with this amendment. If any future construction within the easements is planned, the applicant will be required to submit a GESC Plan to the County for review and determination/decision. The applicant has indicated the GESC Plan will comply with the State of Colorado and Arapahoe County's Stormwater Management Manual.

3. *The applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.*

The applicant has provided the County with financial statements that were reviewed by the County Finance Department. Understanding that the County Finance Department's

expertise is not in the analysis of private sector firms' financial condition or their ability to generate sufficient revenue to meet financial obligations, the department reviewed the materials provided by the applicant and does not feel that, based on the size of the requested project versus their assets and the amount of cash available to them, the proposed project would cause significant financial hardship for the firm to complete. That said, the oil and gas industry is very volatile, and the department cannot project what may or may not occur in the future with any certainty. Arapahoe County Engineering Services Division is currently holding a two million dollar bond that was originally provided from Conoco Phillips and has since been transferred the Crestone and will be used as surety for the proposed improvements.

*4. The Proposed Project is technically and financially feasible.*

The applicant has provided general information that indicate that the proposed project is technically and financially feasible. Staff is recommending a COA requiring the applicant to demonstrate they have properly secured water rights for the use of oil and gas operations and firefighting activities in Arapahoe County.

*5. The Proposed Project is not subject to significant risk from natural hazards.*

The applicant conducted investigations to identify potential hazards along the established route and has institutional knowledge of the project area because of the applicant's or related entity's existing facilities in the project's vicinity. The applicant concluded that the project is not subject to significant risk from natural hazards.

*6. The Proposed Project is in general conformity with the applicable comprehensive plans.*

The proposed project is in general conformity with the Arapahoe County Comprehensive Plan, as described earlier in this report.

*7. The Proposed Project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.*

This proposed project is anticipated to have minimal impacts on provision of services from Arapahoe County and other special districts. Construction and operation of the project is not scheduled at this time and is not anticipated to impact the demand for local government services or the capability of local governments to provide services.

*8. The Proposed Project will not create an undue financial burden on existing or future residents of the County.*

The applicant has provided financial statements indicating this project will not create an undue financial burden on existing or future residents of the County. The applicant has indicated additional infrastructure created from this amendment may result in increased tax revenues for the County. The additional water lines could also reduce the number of water trucks required for oil and gas operations, which would reduce wear and tear on

County roads.

9. *The Proposed Project will not significantly degrade any substantial sector of the local economy.*

The applicant has indicated this amendment could benefit the County's economy through the jobs that are created during construction and the increased revenues to local businesses that provide goods and services to the applicant and their contractors and employees.

10. *The Proposed Project will not unduly degrade the quality or quantity of recreational opportunities and experience.*

This amendment is not anticipated to have a direct impact on recreational activities, nor does it provide recreational opportunities. Given the localized extent of the project, relative to the property as a whole and the short duration of construction, no impact on recreational opportunities is anticipated with the additional easement widths, increased diameter and allowance of a freshwater pipeline.

11. *The planning, design and operation of the Proposed Project will reflect principles of resource conservation, energy efficiency and recycling or reuse.*

This amendment will promote resources conservation by reducing the amount of gasoline/diesel used in transporting freshwater via trucking which in turn will reduce the amount of impact to County roads and the roadway system.

12. *The Proposed Project will not significantly degrade the environment. Appendix "A" includes the considerations that will be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:*

- a. *Air quality.*
- b. *Visual quality.*
- c. *Surface water quality.*
- d. *Groundwater quality.*
- e. *Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas.*
- f. *Terrestrial and aquatic animal life.*
- g. *Terrestrial and aquatic plant life.*
- h. *Soils and geologic conditions.*

The project will not significantly degrade the environment as described in Section II. Discussion., 2. Land Development Code – Use by Special Review Regulation., b. of the previously approved USRs.

*13. The Proposed Project will not cause a nuisance.*

The project is not anticipated to have impact on public safety or health due to the nature of the proposal, i.e., buried pipelines, after installation there is no expected potential for causing any nuisance. During construction nuisances will be controlled as mentioned previously in this report.

*14. The Proposed Project will not significantly degrade areas of paleontological, historic, or archaeological importance.*

As part of the initial applications, Metcalf Archeological Consultants, Inc. conducted a Class I overview for the project area. The results of the overview identified eight sites that are eligible or potentially eligible for inclusion on the National Register of Historic Places, only two of the identified eight sites are listed as eligible for inclusion. This study was done prior to the easement alignments being finalized and the findings are based on a more conservative overall area of scope. The expansion of the maximum easement width, inclusion of freshwater lines within the corridors, nor the inclusion of multiples types of the utilities within the corridors is not expected to impact the results of the study.

In addition to this report done with the original USR applications, the applicant for this amendment has committed to hiring a third party consultant to inspect a project area prior to any disturbance. The applicant has indicated the consultant shall be on-site prior to the construction process to monitor cultural resources and archaeological conditions. Staff is recommending a COA requiring the applicant provide a copy of the inspection and report as well as mitigation measures if any issues are noted during the inspection by a third party consultant.

*15. The Proposed Project will not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the Board's consideration shall include:*

- a. Plans for compliance with Federal and State handling, storage, disposal and transportation requirements.*
- b. Use of waste minimization techniques.*
- c. Adequacy of spill prevention and response plans.*

This amendment does not include the introduction of material classified as hazardous. The pipelines and mitigation methods included in the original approvals for natural gas, crude oil, produced water, and fiber optic cable are described in detail in U13-001 and U14-001, Section 3.14. The inclusion of freshwater pipelines within the corridor, as opposed to produced water pipelines, are void of hydrocarbons and naturally occurring salts and sediments that may be present in produced water pipelines.

Future construction within the easements will be managed, maintained and performed as outlined in U13-001 and U14-001 (Section 3.14.) The applicant has indicated there will be no storage of fuels, lubricants, chemicals or waste on the construction ROW, except on a temporary basis during maintenance or construction. Staff is recommending a COA

requiring the applicant contact the County if any spills occur. The applicant is subject to, and has agreed to contact the appropriate emergency offices and personnel in accordance with federal, state and local requirements.

- 16. The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.*

The applicant has provided information indicating this project will not negatively impact the County or its citizens. Previous approvals allow for the safe and efficient transport of natural gas, crude oil and produced water, this amendment is requesting an additional freshwater line, if needed. There is no construction requested at this time. The project will have no significant, identified, negative or long term impact on resources within the County and it will help generate directly or indirectly employment opportunities, and benefit by virtue of increased tax revenue to the County. Additionally, transportation of freshwater via pipeline will reduce the truck traffic on the County's roadway infrastructure and reduced contributing to pavement degradation.

- 17. The Proposed Project is the best alternative available based on consideration of need, existing technology, cost, impact and these regulations.*

The design and installation of the approved alignment of Phase I and II were based on the consideration of need, existing technology, cost, impact and the 1041 regulations. This amendment seeks to entitle the right to create a more productive pipeline easement/corridor, as opposed to requesting an additional pipeline corridor/s.

- 18. The Proposed Project will not unduly degrade the quality or quantity of agricultural activities.*

This amendment will impact some dry land farming areas during future construction activities. Farming operations are expected to continue adjacent the existing lines and proposed lines, after construction, as pipelines are buried and allow the continuation of agricultural activities. The applicant shall work with property owners to minimize disruption during any future construction.

- 19. The Proposed Project will not significantly interfere with the preservation of cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle and the opportunity for solitude in the natural environment.*

As mentioned earlier in this report, Metcalf Archeological Consultants, Inc. conducted a Class I overview for the original approvals. There is no construction proposed at this time, however any future construction within the easements will attempt to avoid all known sites listed as eligible for inclusion in the National Register of Historic Places. The applicant shall mitigate impacts to any known eligible areas prior to the commencement of

construction and shall follow the language laid out in U13-001 and U14-001, Section 3.14.

20. *The Proposed Project will not cause significant degradation of land-use patterns in the area around the Proposed Project.*

This amendment is not proposing any construction at this time. Any future construction will be temporary and the majority of the infrastructure will be buried by means of open trenching or by boring. The land will be returned to pre-construction uses and the applicant has provided evidence that the project will not cause significant degradation of land use patterns.

21. *The applicant has complied with all applicable provisions of these regulations and has paid all applicable fees.*

The applicant has sought to comply with all applicable 1041 Permit regulations and has paid a deposit that will apply towards applicable fees.

Part V, Section C. Additional Criteria for Major Electric, Natural Gas, and Petroleum Derivative Facility of a Private Company:

1. *Areas around major facilities of a public utility shall be administered so as to minimize disruption of the service provided by the public utility.*

There will not be any disruptions of services currently provided by the applicant.

2. *Areas around major facilities of a public utility shall be administered so as to preserve desirable existing community and rural patterns.*

As explained earlier in this report. The project will be constructed in a manner so as to be non-intrusive and will not impact existing community patterns.

3. *Where feasible, major facilities of a public utility shall be located so as to avoid direct conflict with adopted local comprehensive, State and regional master plans*

The project is not in conflict with any adopted local, state or regional master plans.

4. *Where feasible, major facilities of a public utility shall be located so as to minimize dedication of new right-of-way and construction of additional infrastructure.*

This amendment seeks to co-locate additional pipelines within an approved corridor. This amendment seeks to allow an increase in the established easements to allow for the co-location of multiple types of utilities.

## Appendix A, General Considerations

Appendix A of the 1041 Regulations are attached to this report. This appendix provides examples of the types of concerns that the BoCC may take into consideration in determining whether an application for a permit has complied with the approval criteria contained in Section V of the 1041 Regulations.

### **III. REFERRAL COMMENTS**

Comments received during the referral process are as follows:

Referral Agency	Referral Agency's Comment/Response	Applicant's Response
<u>ARAPAHOE COUNTY/PWD/BUILDING DEPT</u>	Please submit all plans stamped by a Colorado licensed professional for the proper permit. Submit all SDS safety sheets with all tests and certifications of welders and equipment used. All permit fees apply.	Acknowledged. There are no construction activities planned at this time. For any future pipeline installations, the stamped construction plans will be provided to the building department for the required permits.
<u>ARAPAHOE COUNTY/R&amp;B REFERRALS</u>	No concerns.	Acknowledged.
<u>ARAPAHOE COUNTY/R&amp;B REFERRALS</u>	No concerns.	Acknowledged.
<u>May Farms</u>	No concerns	Acknowledged.
<u>BENNETT- WATKINS FIRE RESCUE</u>	<p>No specific objections to the proposed amendment. The developer shall confer with Bennett Fire Protection District and ensure that the proposed development conforms to adopted IFC fire code standards.</p> <p>BWFR would like to enter into dialogue with the applicant to determine if fire hydrant access and specific locations could be installed to allow for the use of fresh-water within the pipeline for emergency firefighting activities. Additional water resources made available to the fire department for emergency response could be a significant regional asset and helps support both existing and future oil and gas development. We are requesting that the applicant contact BWFR to discuss these opportunities further.</p>	Acknowledged. Crestone Peak Resources will reach out to Bennett-Watkins to discuss the possibility of installing fire hydrants for emergency firefighting activities along future freshwater routes.

Referral Agency	Referral Agency's Comment/Response	Applicant's Response
<u>MILE HIGH FLOOD DISTRICT</u>	<p>No objection. Request to be involved during construction of crossings to observe the revegetation restoration efforts. No construction schedule for this project at this time. The applicant will be required to submit the GESC plan for approval prior to construction. County Engineering will let MHFD know when the GESC plan is submitted for review.</p>	<p>Acknowledged. There are no additions or changes to the gathering system alignment proposed with this amendment. Additionally, there is no pipeline installation or land disturbance anticipated at this time. Once construction is planned within any existing easements on the USR, a GESC Plan will be submitted to Arapahoe County for review. MHFD will be involved with the review of the GESC and involved during construction of crossings to observe the revegetation restoration efforts.</p>
<u>US ARMY CORPS OF ENGINEERS</u>	<p>Recommend a wetland delineation. The applicant should work directly with the Army Corp of Engineers to resolve any issues and concerns and provide staff with a letter of no objection from the Army Corp.</p>	<p>The applicant has reached out to the Corp to clarify the intent of the project. The USACE responded with the following: The general comment letter that we provided gives an overview of the Corps Regulatory Program and stands on its own. We do not complete in depth review of these projects. We do not provide letters of no objection. Please let us know if the county needs anything from the applicant for this external review.</p>
<u>TRI COUNTY HEALTH DEPARTMENT-REFERRALS</u>	<p>No objection to portable toilets, provided they are properly cleaned and maintained. TCHD recommends that a portable hand sink be provided near the restrooms.</p> <p>If above ground valves are to be utilized, the applicant should consider methods for ensuring the valve site is secure.</p> <p>If trenching dewatering is necessary, the water will be pumped and discharged to alluvia/colluvial sediments close to the stream channel. If discharge of ground water is necessary during construction, a discharge permit from CDPHE, Water Quality Control Division will be necessary.</p>	<p>Acknowledged. There are no additions or changes to the gathering system alignment proposed with this amendment. Additionally, there is no pipeline installation or land disturbance anticipated at this time. Once any future construction is planned, the following responses will be implemented:</p> <p><b>Portable Toilets &amp; Hand Sink:</b> Portable toilets may be located along the pipeline corridor. They shall be securely staked on a flat surface, so that they do not fall over. Placement of toilets shall consider nearby equipment, drainage ways and vehicular traffic so they are not inadvertently knocked over. Portable toilets will be properly cleaned and maintained and hand sinks will be provided near toilets.</p> <p><b>Protection of Above-Ground Valves:</b> Appurtenance sites will be protected with a security fence that limits access to authorized personnel. Valves will be blinded (where necessary) and locked. This application does not propose any new appurtenance sites.</p> <p><b>Dewatering:</b> Acknowledged.</p>
<u>AURORA PLANNING - REFERRALS</u>	Supportive. No concerns.	Acknowledged.
<u>ARAPAHOE COUNTY/SHERIFF/PATROL REFERRALS</u>	No concerns.	Acknowledged.

Referral Agency	Referral Agency's Comment/Response	Applicant's Response
<u>COLORADO GEOLOGICAL SURVEY - STATE OF COLORADO</u>	No concerns.	Acknowledged.
<u>CDOT-DEPT. OF TRANSPORTATION/ STATE OF CO-REGION ONE</u>	No objections. If any work touches or crosses over the ROW, a utility/special use permit will be required.	Acknowledged. There are no construction activities planned at this time. For any future pipeline installations, a utility/special use permit will be required for ROW crossings.
<u>CRESTONE PEAK-PIPELINE REFERRALS</u>	No concerns.	Acknowledged.
<u>IREA</u>	Not within territory. No concerns.	Acknowledged.
<u>PHILLIPS 66</u>	No concerns.	Acknowledged.
<u>XCEL ENERGY</u>	<p>Potential conflict. Within Ph. 1 area, PSCo has multiple existing electric transmission lines and associated land rights. Any activity involving PSCo ROW will require PSCo approval.</p> <p>Encroachments must be reviewed and acknowledged with a PSCo License Agreement (executed with the property owner) PSCo is requesting that, prior to any final approval of the development plan, it is the responsibility of the property owner/developer/contractor to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement</p> <p>Within the Phase 1 area, PSCo has existing overhead electric distribution facilities along East Quincy Avenue, and an underground electric distribution line crossing the pipeline route south of 34501 East Quincy Avenue.</p> <p>If the project area within Phase 2 is correctly understood, PSCo has existing underground electric distribution facilities in the area.</p> <p>Should the project require any modification to existing distribution facilities, the property owner/developer/ contractor must complete the application process</p>	Acknowledged. (Staff is recommending a COA to address this).

Referral Agency	Referral Agency's Comment/Response	Applicant's Response
<u>DIVISION OF WATER RESOURCES- STATE ENGINEER/GROUNDWATER</u>	No concerns.	Acknowledged.
<u>SEMSWA- SOUTHEAST METRO STORMWATER AUTHORITY</u>	No concerns.	Acknowledged.
<u>COLORADO PARKS &amp; WILDLIFE/ 1ST POINT OF CONTACT</u>	Review letter dated November 12, 2021 and work with CPW and provide a complete response to each concern.	Acknowledged. A comment response letter to the CPW comments have been provided with this submittal.

**STAFF FINDINGS:**

Staff has the plans, supporting documentation, and referral comments in response to this application. Based on the review of applicable policies and goals, as set forth in the Comprehensive Plan, review of the Use by Special Review and applicable 1041 regulations and analysis of referral comments, our findings include:

1. The proposed Use by Special Review/1041 application is in general conformance with the overall goals and intent of the Arapahoe County Comprehensive Plan, in that it provides for development of public facilities and services within Arapahoe County.
2. The proposed application complies with the review and approval criteria of the Use by Special Review regulations, Section 5.3.4 of the Land Development Code.
3. The proposed application complies with the review and approval criteria of The Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations).

**STAFF RECOMMENDATION:**

Considering the findings and other information provided herein, staff recommends approval of Case No. UASI21-003, Bronco Pipeline Company Gathering System Phase I & II Use by Special Review/1041 Major Amendment, with 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 water pipe line shall 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 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.
7. 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.
8. 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.
9. The applicant shall contact the County, appropriate emergency offices and personnel in accordance with federal, state and local requirements if any spills occur.
10. The applicant shall comply with Tri County Health Department regulations.
11. 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).
12. The applicant shall comply with the measures and procedures described within the Product Spill Response and Emergency Plan.
13. The applicant shall obtain all necessary permits from Public Service Company of Colorado dba Xcel Energy.

The Planning Commission has alternatives that include the following:

1. Recommend approval of the proposed USR/1041.
2. Continue to a date certain for more information.
3. Recommend denial of the proposed USR/1041.

**CONCURRENCE:**

The Public Works and Development Planning and Engineering Services Division have reviewed the application and the Arapahoe County Public Works and Development Department is recommending approval of this case.

**PLANNING COMMISSION DRAFT MOTIONS**

**Conditional Recommendation to Approve**

In the case of UASI21-003, Bronco Pipeline Company Gathering System Phase I & II Use by Special Review/1041 Amendment, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following conditions:

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 water pipe line shall 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 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.
7. 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.
8. 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.
9. The applicant shall contact the County, appropriate emergency offices and personnel in accordance with federal, state and local requirements if any spills occur.
10. The applicant shall comply with Tri County Health Department regulations.
11. 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).
12. The applicant shall comply with the measures and procedures described within the Product Spill Response and Emergency Plan.
13. The applicant shall obtain all necessary permits from Public Service Company of Colorado dba Xcel Energy.

***Staff provides the following Draft Motions listed below as general guidance in preparing an alternative motion if the Planning Commission reaches a different determination:***

**Recommendation to Deny**

In the case of UASI21-003, Bronco Pipeline Company Gathering System Phase I & II Use by Special Review/1041 Amendment, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to recommend denial of this application based on the following findings:

1. *State new findings in support of denial as part of the motion.*

Continue to Date Certain:

In the case UASI21-003, Bronco Pipeline Company Gathering System Phase I & II Use by Special Review/1041 Amendment, I move to continue the hearing to *[date certain]*, 6:30 p.m., to obtain additional information and to further consider the information presented.

Engineering Staff Report

Referral Responses

Letter of Intent

Applicant's Narratives

1041 Regulations Appendix A

Crestone Midstream Lines & Amendment

Exhibits

U13-001 & U14-001 Resolutions

## APPENDIX A

This Appendix provides examples of the types of concerns that the Board of County Commissioners may take into consideration in determining whether an application for a permit has complied with the Approval Criteria contained in Section V of these Regulations.

### GENERAL CONSIDERATIONS

A.1. The determination of technical and financial feasibility may include but is not limited to the following considerations:

- a. Amount of debt associated with the proposed activity.
- b. Debt retirement schedule and sources of funding to retire the debt.
- c. Estimated construction costs and construction schedule.
- d. Estimated annual operation, maintenance and monitoring costs.
- e. Market Conditions.
- f. Anticipated revenue generation

A.2. The determination of risk from natural hazards may include but is not limited to the following considerations:

- a. Faults and fissures.
- b. Unstable slopes including landslides and rock slides.
- c. Expansive or evaporative soils and risk of subsidence or upheaval.
- d. Wildfire hazard areas.
- e. Floodplains.

A.3. The determination of the effects of the proposed activity on the capability of local government to provide services or to exceed the capacity of service delivery systems may include but is not limited to the following considerations:

- a. Existing and potential financial capability of local governments to accommodate development related to the proposed activity.
- b. Current and projected capacity of roads, schools, infrastructure, housing, and other services and impact of the proposed activity upon the capacity.
- c. Changes caused by the proposed activity in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities.
- d. Changes in short or long term housing availability, location, cost or condition.
- e. Need for temporary roads to access the construction of the proposed activity.
- f. Change in demand for public transportation.
- g. Change in the amount of water available for future water supply in the County.

A.4. The determination of the effects of the proposed activity on the financial burden of existing or future residents of the County may include but is not limited to the following considerations:

- a. Changes in assessed valuation.
- b. Tax revenues and fees to local governments that will be generated by the proposed activity.
- c. Changes in tax revenues caused by agricultural lands being removed from production.
- d. Changes in costs to water users to exercise their water rights.
- e. Changes in costs of water treatment or wastewater treatment.
- f. Effects on wastewater discharge permits.
- g. Inability of water users to get water into their diversion structures.

- h. Changes in total property tax burden.

A.5. The determination of the effects of the proposed activity on any substantial sector of the local economy may include but is not limited to the following considerations:

- a. Changes to projected revenues generated from each economic sector.
- b. Changes in the value or productivity of any lands.
- c. Changes in opportunities for economic diversification.

A.6. The determination of effects of the proposed activity on recreational opportunities and experience may include but is not limited to the following considerations:

- a. Changes in quality and quantity of fishing.
- b. Changes in access to recreational resources.
- c. Changes to quality and quantity of hiking trails.
- d. Changes to the rural experience or other opportunity for solitude in the natural environment.
- e. Changes to hunting.

A.7. The determination of effects of the proposed activity on air quality may include but is not limited to the following considerations:

- a. Changes to seasonal ambient air quality.
- b. Changes in visibility and microclimates.
- c. Applicable air quality standards.

A.8. The determination of visual effects of the proposed activity may include but is not limited to the following considerations:

- a. Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
- b. Interference with viewsheds, ridgelines, and scenic vistas.
- c. Changes in riparian tree canopies.
- d. Changes in landscape character types or unique land formations.
- e. Compatibility of building and structure design and materials with surrounding land uses.
- f. Changes in appearances of grasslands, wooded areas, or riparian corridors.
- g. Changes from rural to urban landforms and structures.

A.9. The determination of effects of the proposed activity on surface water quality may include but is not limited to the following considerations:

- a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
- b. Applicable narrative and numeric water quality standards.
- c. Changes in point and nonpoint source pollution loads.
- d. Increase in erosion.
- e. Changes in sediment loading to waterbodies.
- f. Changes in stream channel or shoreline stability.
- g. Changes in streambed meander limits.
- h. Changes in stormwater runoff flows.
- i. Changes in trophic status or in eutrophication rates in lakes and reservoirs.
- j. Changes in the capacity or functioning of streams, lakes or reservoirs.
- k. Changes in flushing flows.
- l. Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.
- m. Increases in impervious surface areas.

- n. Changes in historic runoff patterns and velocity.
- o. Use of de-icers, solvents, and salts.
- p. Use of the Proposed Project to transport hazardous materials.

A.10. The determination of effects of the proposed activity on groundwater quality may include but is not limited to the following considerations:

- a. Changes in aquifer recharge area extent, recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
- b. Changes in capacity and function of wells within the impact area.
- c. Changes in quality of well water within the impact area.
- d. Draw-down of reservoir pressure or changes in recovery rate and reserves of nonrenewable water for water users.

A.11. The determination of effects of the proposed activity on wetlands and riparian areas may include but is not limited to the following considerations:

- a. Changes in the structure and function of wetlands.
- b. Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
- c. Changes to aerial extent of wetlands.
- d. Changes in species' characteristics and diversity.
- e. Transition from wetland to upland species.
- f. Changes in function and aerial extent of floodplains.
- g. Interference with flood control capacity.

A.12. The determination of effects of the proposed activity on terrestrial or aquatic life may include but is not limited to the following considerations:

- a. Changes that result in loss of oxygen for aquatic life.
- b. Changes in flushing flows.
- c. Changes in species composition or density.
- d. Changes in number of threatened or endangered species.
- e. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.
- f. Changes to habitat and critical habitat, including streambed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.
- g. Changes to the aquatic and terrestrial food webs.

A.13. The determination of effects of the proposed activity on terrestrial plant life or habitat may include but is not limited to the following considerations:

- a. Changes to habitat of threatened or endangered plant species.
- b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
- c. Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
- d. Changes in threatened or endangered species.

A.14. The determination of effects of the proposed activity on soils and geologic conditions may include but is not limited to the following considerations:

- a. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
- b. Changes to stream sedimentation, geomorphology, and channel stability.
- c. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
- d. Changes to mudflows and debris fans, and other unstable and potentially unstable slopes.
- e. Exacerbation of seismic concerns and subsidence.

A.15. The determination of the risks of a release of hazardous materials from the proposed activity may include but is not limited to the following considerations:

- a. Plans for compliance with federal and State handling, storage, disposal and transportation requirements.
- b. Use of waste minimization techniques.
- c. Adequacy of spill prevention and response plans.
- d. Nature and extent of materials associated with the construction and operation of the Proposed Project.

A.16. The determination of effects of the proposed activity on agricultural activities may include but is not limited to the following considerations:

- a. Changes in quality and quantity of farming.
- b. Changes in access to agricultural activities.
- c. Changes to quality and quantity of ranching.
- d. Changes to the quality and quantity of water for agricultural uses.

A.17. The determination of the effects of the proposed activity on land use(s), which may include but is not limited to the following considerations:

- a. Land use policies reflected in land use plans.
- b. Likelihood that the Proposed Project will/will not cause or contribute to urban sprawl or "leapfrog" development.
- c. Significant changes in the amount of impervious surfaces.
- d. Contiguity of development associated with the Proposed Project to existing growth centers.



# ARAPAHOE COUNTY


## PUBLIC WORKS & DEVELOPMENT

# Crestone Midstream Lines & Amendments

# Bronco Pipeline

# Phase

## — Pipeline Phase1



## Arapahoe County Case No. UASI21-003

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- 2. Use By Special Review Plan

## **1041 SECTION III.C. APPLICATION SUBMITTAL REQUIREMENTS**

### **1. Application Fee**

The application fee for the original application was paid at the time of the original application's review. Please refer to #U13-001 Proposal Section 3.1. The applicant will pay any fees associated with the review of this amendment.

### **2. Information Describing the Applicant**

The original applicant, ConocoPhillips Company (COP) and their wholly owned subsidiary, Bronco Pipeline Company (BPC), sold and assigned their Colorado assets to Crestone Peak Resources in March 2020. Crestone Peak Resources Midstream (CPRM) is the subsidiary associated with pipeline development and operations. CPRM is the applicant proposing this amendment. Crestone Peak Resources is a top producer of oil and natural gas in the Denver-Julesburg Basin (DJ Basin), led by a team of Colorado-based energy professionals. They were named 2020 "Gold Leader" in the Colorado Department of Public Health and Environment (CDPHE) Environmental Leadership Program.

### **3. Information Describing the Project**

This proposed amendment to the Bronco Pipeline Company Gathering System – Phase 1 Use by Special Review (USR) Plan narrative assigned with Arapahoe County Case No. U13-001 aims to clarify and adjust the USR/1041 narrative for future gathering system installation projects. This includes allowing for freshwater pipelines to be installed within the pipeline easements, clarifying that the water pipelines (produced water or freshwater) may be larger than 14 inches in diameter, pipeline easement widths obtained from landowners may be up to 100 feet wide, and that the pipeline easements may have multiple types of utilities within the easements. Each of these amendments are described in further detail below. There are no additions or changes to the gathering system alignment proposed with this amendment. There is no pipeline installation or land disturbance anticipated at this time. Once construction is planned within any existing easements on the USR, a GESC Plan will be submitted to Arapahoe County for review. If any additions or changes to the gathering system alignments are proposed in the future, an amendment will be required to the USR.

#### **AMENDMENT ITEM 1**

Per the Section 1.1 Project Description of the approved USR, only produced water pipelines were originally contemplated. The proposed amendment seeks to obtain entitlements for freshwater pipelines as well. Freshwater pipelines, as opposed to produced water pipelines, are void of hydrocarbons, naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Freshwater is necessary to facilitate fracking operations. CPRM and the previous operator ConocoPhillips Company (COP) have drilled and completed all the oil and gas well facilities within Arapahoe County (County) without trucking freshwater to the sites. Instead, freshwater has been delivered overland in "lay-flat" pipes. This strategy has protected the County's roadway infrastructure and residents from potential pavement degradation and from increased vehicles on the roadway system, from the truck traffic that would otherwise be necessary to transport freshwater to oil and gas wells. Installing this additional infrastructure will provide enhanced

roadway safety, reduced emissions, reduced noise and increased longevity along the County roadway system.

Section 1.1 also states that pipelines shall “not exceed 14 inches in diameter”. This proposed amendment plans to clarify that this stated pipe diameter is relative to hydrocarbon, i.e., crude oil and natural gas pipelines, since watermains, whether freshwater or produced water, are typically larger. The maximum size for the watermains is 24 inches in diameter.

#### **AMENDMENT ITEM 2**

Beginning in Section 1.1 and reiterated throughout the USR narrative and plan sheets, a seventy five foot permanent easement and a twenty-five foot temporary construction easement is contemplated. In some instances, additional easement width is required. The applicant has secured from landowners permanent easement widths up to 100 feet. This amendment seeks to address this existing discrepancy as well.

#### **AMENDMENT ITEM 3**

Section 2.1.1 references “permits and approvals for installation of three (3) co-located gathering pipelines and a fiber optic cable installation”. This amendment seeks to clarify that these are the four types (and now five with the introduction of the freshwater pipeline) of utilities proposed within the entitled easements. In some instances, the applicant may have one of each type, or two of another (such as oil or gas) and less than another (such as the waterlines). The absolute total number of pipelines are as follows, a maximum of nine total lines, with one for fresh water, three for natural gas, one for produced water, three for crude oil and one telecommunications pipe that consists of three telecommunications lines in one pipe sleeve. The separation between the pipelines is typically ten feet.

Please refer to Appendix 2 for the amended Use By Special Review Plan.

Please refer to #U13-001 Proposal Section 3.3 for additional information.

### **4. Property Rights, Permits and Other Approvals**

There are no proposed changes to #U13-001 Proposal Section 3.4. This amendment requires a Land Use permit (USR) be acquired from the County. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements will require a Grading, Erosion, Sediment Control Plan (GESC) from the County, as well as a Street Cut and Right of Way Use Permit for any Right of Way crossings from the County. All state and federal permits for the project were obtained with the original application. Acquisition of land rights in the form of easements from property owners will occur if additional easement width is needed. The County’s approval of this USR is relative to land use only. It is the responsibility of the applicant to ensure that the rights to install infrastructure are in compliance with the individual easement agreements secured with each landowner. A copy of the recorded easements will be supplied to the County. Please refer to #U13-001 Proposal Section 3.4 for additional information.

### **5. Regional Water Quality Management Plan**

There are no proposed changes to #U13-001 Proposal Section 3.5. There is no long-term water use planned for this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a

GESC Plan will be submitted to the County for review. This GESC Plan will comply with the State of Colorado and Arapahoe County's Stormwater Management Manual, employing the Best Management Practices detailed in the GESC Plans and any other pertinent manuals and permits. With implementation of these measures, this amendment will be in compliance with the regional water quality plan. Please refer to #U13-001 Proposal Section 3.5 for additional information.

## **6. Financial Feasibility of The Project**

There are no proposed changes to #U13-001 Proposal Section 3.6. The Applicant will finance the amendment from revenues obtained through the Applicant's existing capital budget. The benefits would be directly to the Applicant and indirectly to the public. Please refer to #U13-001 Proposal Section 3.6 for additional information.

## **7. Land Use**

There are no proposed changes to #U13-001 Proposal Section 3.7. The original application and this amendment fall under authority and guidance of the Arapahoe County Comprehensive Plan (The Plan). The Plan, updated January, 2020, designates the majority of the Project area as "Rural Area." This designation is defined in The Plan as "The County will discourage non-residential uses from occurring in the Rural Area, including uses permitted by special review, unless they are agriculture-related or are public facilities and services ". The Plan further defines a public facility as "Land uses including schools, day care facilities, churches, libraries, jails, recreational centers, airports, hospitals, fairgrounds, utility lines, power substations, fire stations, police/law enforcement stations, government offices, and power energy facilities". Therefore, the Plan indicates that this land use (e.g., power energy facilities) should be suitable for the area proposed. Any width expansions of existing pipeline easements will not have any impact to the proposed land use or impact on land use patterns, as changing the content and width of the easement does not preclude land development. Please refer to #U13-001 Proposal Section 3.7 for more details.

## **8. Local Government Services**

There are no proposed changes to #U13-001 Proposal Section 3.8. This amendment will not place increased demands on local government services. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements may cause minor traffic delays along to local county roads during construction. Please refer to #U13-001 Proposal Section 3.8 for more details.

## **9. Financial Burden on County Residents**

There are no proposed changes to #U13-001 Proposal Section 3.9. This amendment will not negatively impact the existing tax burden or fee structure for government services applicable to Arapahoe County residents or property owners, as this infrastructure does not require local government services. However, additional infrastructure created by this amendment may result in increased tax revenues for Arapahoe County. Please refer to #U13-001 Proposal Section 3.9 for more details.

## **10. Local Economy**

There are no proposed changes to #U13-001 Proposal Section 3.10. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue. The original approved application and this amendment have no impact to any residential uses. Please refer to #U13-001 Proposal Section 3.10 for more details.

## **11. Recreational Opportunities**

There are no proposed changes to #U13-001 Proposal Section 3.11. This amendment is not anticipated to have a direct impact on recreational activities, nor does it provide recreational opportunities. Recreational opportunities are not compromised by the added width or utilities of the easement. This project and amendment have no impact to any residential uses. Please refer to #U13-001 Proposal Section 3.11 for more details.

## **12. Environmental Impact Analysis**

There are no proposed changes to #U13-001 Proposal Section 3.12.

Air Quality will not be impacted by this amendment. Future pipeline installations/construction would result in intermittent and short-term air pollutant emissions fugitive dust emissions and diesel combustion. To minimize fugitive dust emissions, the Applicant would use water to control dust on access roads and temporarily disturbed areas, as well as will limit speeds to 15 mph for vehicles traveling along disturbed areas. The Applicant will not conduct clearing of areas proposed for disturbance when winds are in excess of 35 mph. Air emissions could occur at increased levels near construction; however, potential impacts would be temporary and occur in isolation. Emissions associated with construction of the proposed gathering system will not cause or substantially contribute to a violation of any applicable ambient air quality standard. Please refer to #U13-001 Proposal Section 3.12.1 for more details.

Visual Quality will not be impacted by this amendment. Visual impacts associated with this amendment would be temporary and short-term associated with construction. Existing ground cover consists primarily of dryland pasture and short-grass prairie. There are no buildings or structures are planned for this amendment. Please refer to #U13-001 Proposal Section 3.12.2 for more details.

Surface Water Quality will not be impacted by this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a GESC Plan will be submitted to the County for review. Water quality will be maintained during construction through implementation of the GESC Plan, which will employ the Best Management Practices detailed with the State of Colorado and Arapahoe County's Stormwater Management Manual. These BMPs are meant to prevent sediment runoff from stormwater. With implementation of these measures, impacts to surface water quantity and quality will be minor and short-term. Please refer to #U13-001 Proposal Section 3.12.3 for more details.

Groundwater Quality and Quantity will not be impacted by this amendment. The Applicant will coordinate with private landowners to ensure that groundwater quality is not affected by construction or operation. Groundwater quality could be impacted by spills of fuel during

construction and by leaks or breaks in the pipeline. The Applicant will follow measures described in their Product Spill Response and Emergency Plan to reduce potential impacts from spills during construction and operation. Please refer to #U13-001 Proposal Section 3.12.4 for more details.

Wetlands and Riparian Areas will not be impacted by this amendment. Any width expansions of existing pipeline easements will not have any additional impacts to Wetlands and Riparian Areas. All wetlands and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements. Wetlands will be avoided where possible by rerouting of the gathering pipeline or by crossing the wetland with either an HDD or a bored crossing technique. #U13-001 Proposal Figure 6 provides a list of drainage/wetland crossings and #U13-001 Proposal Figure 8 is a floodplain map of the area. Please refer to #U13-001 Proposal Section 3.12.5 for more details.

Terrestrial and Aquatic Animals and Habitat will not be impacted by this amendment. Future pipeline installations/construction will be managed to minimize impacts. The Applicant has identified threatened terrestrial and aquatic animals and shall continue to do so prior to any construction. #U13-001 Proposal Figure 9 provides a wildlife map of the project area and #U13-001 Proposal Appendix 1 includes the Environmental Impact Analysis. Please refer to #U13-001 Proposal Section 3.12.6 for more details.

Terrestrial and Aquatic Plant Life will not be impacted by this amendment. Most of the plant life encountered along the Gathering System corridors consists of rangeland grasses and dry land crops such as winter wheat. Due to the relatively small footprint of the Gathering System easements, minimal impact to terrestrial and aquatic plant life, including short grass prairie land, is anticipated from any future construction. The Applicant will reclaim any other lands disturbed during construction and will keep equipment within specified easements and along temporary construction roads. Please refer to #U13-001 Proposal Section 3.12.7 for more details.

Soils, Geological Conditions and Natural Hazards will not be impacted by this amendment. The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant issues with soils, geologic conditions or natural hazards. Farmland soils that are to be crossed by the any future construction are dryland/rangeland. Topsoil is removed during construction activities and is stored parallel to the construction area. Please refer to #U13-001 Proposal Section 3.12.8 for more details.

### **13. Nuisances**

There are no proposed changes to #U13-001 Proposal Section 3.13. There will be no dust, fumes, noise, vibration, lighting or odor anticipated after any future construction is completed. During construction, dust will be controlled by watering roads and other disturbed areas. Although certain heavy equipment is required, noise and fumes will be minimized to the largest extent possible. Please refer to #U13-001 Proposal Section 3.13 for more details.

### **14. Areas of Paleontological, Historic or Archaeological Importance**

There are no proposed changes to #U13-001 Proposal Section 3.14. For the original application, Metcalf Archeological Consultants, Inc. conducted a Class I overview for the gathering system project area. This report is included in the #U13-001 Proposal Appendix 2. The project area was searched through the Colorado Office of Archeology and Historic Preservation on-line database, Compass, Government Land Office plats, and aerial images access on GoogleEarth. The results

of these searches indicate a total of 19 projects conducted in the region, and 226 cultural resources recorded, including 92 isolated finds and 134 sites. Along the preliminary route of the gathering systems, eight sites that are eligible or potentially eligible for inclusion on the National Register of Historic Places were reported and 15 sites were reported within 300 feet of the preliminary route. Of the eight sites, two are listed as eligible for inclusion on the National Register of Historic Places (NRHP), four are not eligible sites, and two are "needs data" sites. This study was done prior to the gathering system easement alignments being finalized. Therefore, the findings are based on a more conservative overall area of scope. The expansion of the maximum gathering system pipeline easement width (from 75 feet to 100 feet), the inclusion of freshwater pipelines within the corridor, nor the inclusion of multiple types of the same pipeline within the corridor would not impact the results of this study.

In addition to this report prepared for the original application, the Applicant always hires a third party consultant to inspect a project area prior to any disturbance. The Applicant's consultant shall be on-site prior to the construction process to monitor cultural resources and archaeological conditions. If issues are noted, proper mitigation techniques shall be implemented. Future pipeline installations/construction within the Gathering System pipeline easements will include an inspection and report of the project area from an expert in the field. If possible areas of paleontological, historic or archaeological importance are found, mitigation methods will be implemented as recommended by these experts.

## **15. Hazardous Materials Description**

There are no proposed changes to #U13-001 Proposal Section 3.15. There are no new hazardous materials that would be included in the gathering system pipeline corridor from this amendment. The pipelines and mitigation methods included in the original application (natural gas, crude oil, produced water, and fiber optic cable), are described in detail in #U13-001 Proposal Section 3.14. The proposed inclusion of freshwater pipelines within the gathering system corridor, as opposed to produced water pipelines, are void of hydrocarbons and naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Future construction within the gathering system pipeline easements will be managed and maintained and be performed as outlined in #U13-001 Proposal Section 3.14 in order to mitigate risk. There will be no storage of fuels, lubricants chemicals or waste on the construction right-of-way except on a temporary basis during maintenance or construction activities. Measures to contain or control any spill that may occur and to contact appropriate emergency offices and personnel are formulated and designed in accordance with federal, state, and local requirements.

## **16. Balance Between Benefits and Losses**

There are no proposed changes to #U13-001 Proposal Section 3.16. This amendment and the overall project are not expected to impose direct or indirect losses on industrial, agricultural or recreational resources in Arapahoe County, or to preclude opportunities to develop such resources in the future. However, there would be an indirect benefit by virtue of increased tax revenue to the County. Please refer to #U13-001 Proposal Section 3.16 for more details.

## **17. Monitoring and Mitigation Plan**

There are no proposed changes to #U13-001 Proposal Section 3.17. Future pipeline installations/construction within the gathering system pipeline easements will include an inspection and report of the project area from an expert in the field. If potential wildlife impacts are found, mitigation methods will be implemented as recommended by these experts. Mitigation techniques will be implemented as appropriate prior to, during, and immediately after construction. These measures will be financed as part of the overall project cost. Impacts to local resources and species as a result of the project shall be addressed immediately upon identification or notification. All mitigation techniques will be monitored during and after construction by field personnel. Please refer to #U13-001 Proposal Section 3.17 and #U13-001 Proposal Appendix 1 for more details.

## **18. Transportation Impacts**

There are no proposed changes to #U13-001 Proposal Section 3.18. A Traffic Study was prepared for the original application by LSC Transportation Consultants, Inc. and is included in #U13-001 Proposal Appendix 4. Impact to local roads will vary day by day for any future construction. To mitigate any potential impacts to local County roads, Traffic Control Plans will be prepared as needed and followed during construction with an emphasis on working around school bus schedules. In addition, CPRM will encourage centralized parking for non-construction vehicles. Worker parking will be at the existing parking area located at the CPRM field office on East Quincy Avenue. As with pipeline projects, once construction is complete, traffic associated with the oil and gas operations is reduced, as vehicles that would have trucked materials are off the road. Please refer to #U13-001 Proposal Section 3.18 for more details.

## **19. Benefit/Cost Analysis**

There are no proposed changes to #U13-001 Proposal Section 3.19. There will be no cost burden to the County or to any adjacent state or local jurisdiction resulting from this amendment. In addition to the original project's scope, the proposed inclusion of freshwater pipelines within the gathering system corridor will provide enhanced roadway safety, reduced emissions, reduced noise and increased longevity along the County roadway system. There are no public health or safety concerns associated with the conveyance of freshwater. The proposed amendment is not expected to impose long-term economic or environmental costs on adjacent landowners, surrounding communities, or county services and recreational facilities. Please refer to #U13-001 Proposal Section 3.19 for more details.

## **20. Engineering Studies**

There are no proposed changes to #U13-001 Proposal Section 3.20. The overall GESC Plans and Traffic Study were submitted as part of the original application. This amendment does not propose any construction/installation of any pipelines at this time, only narrative changes. At the time of a pipeline installation, a GESC will be submitted to the County for review. Please refer to #U13-001 Proposal Section 3.20 for more details.

## **21. Referrals to Outside Agencies and Response to Referral Comments**

There are no proposed changes to #U13-001 Proposal Section 3.21. Referrals to outside agencies have been received by the applicant for this amendment application and have been responded to in Appendix 1.E of this amendment application submittal package.

## **1041 SECTION V.A. GENERAL APPROVAL CRITERIA**

- 1. Documentation that prior to site disturbance associated with the Proposed Project, the applicant can and will obtain all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.**

This amendment requires a Land Use permit (USR) be acquired from the County. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements will require a Grading, Erosion, Sediment Control Plan (GESC) from the County, as well as a Street Cut and Right of Way Use Permit for any Right of Way crossings from the County. All state and federal permits for the project were obtained with the original application. Acquisition of land rights in the form of easements from property owners will occur if additional easement width is needed. A copy of the recorded easements will be supplied to the County. In Please refer to #U13-001 Proposal Section 3.4 for additional information.

- 2. The Proposed Project considers the relevant provisions of the regional water quality plans.**

There is no long-term water use planned for this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a GESC Plan will be submitted to the County for review. This GESC Plan will comply with the State of Colorado and Arapahoe County's Stormwater Management Manual, employing the Best Management Practices detailed in the GESC Plans and any other pertinent manuals and permits. With implementation of these measures, this amendment will be in compliance with the regional water quality plan. Please refer to #U13-001 Proposal Section 3.5 for additional information.

- 3. (Only Applicable to Major Permit Review) The applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.**

The Applicant and its related entities have successfully budgeted, constructed, and currently operates multiple facilities similar to the infrastructure proposed with this amendment. The Applicant has the necessary expertise and financial capability to develop and operate any future construction or installation of pipelines, consistent with requirements and conditions. The Applicant will finance the amendment from revenues obtained through the Applicant's existing capital budget. The benefits would be directly to the Applicant and indirectly to the public. Please refer to #U13-001 Proposal Section 3.6 for additional information.

**4. (Only Applicable to Major Permit Review) The Proposed Project is technically and financially feasible.**

The proposed narrative amendments are technically and financially feasible. The Applicant has reviewed this amendment for purpose, need, and technical viability and decided to proceed upon receipt of required permits and approvals from the County. Please refer to #U13-001 Proposal Section 3.6 for additional information.

**5. The Proposed Project is not subject to significant risk from natural hazards.**

The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant risks from natural hazards. The Applicant has conducted investigations to identify potential hazards (earthquakes, mass washing, landslides, karst terrain) along the system route and has institutional knowledge of the project area because of the Applicant's or related entity's existing facilities in the vicinity. Please refer to #U13-001 Proposal Section 3.12 for additional information.

**6. The Proposed Project is in general conformity with the applicable comprehensive plans.**

The Applicant has reviewed the Arapahoe County Comprehensive Plan, updated January 2020, and has found the Project is considered an allowable use within the land use designations. Please refer to #U13-001 Proposal Section 3.7 for additional information.

**7. The Proposed Project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.**

This amendment will not place increased demands on local government services. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements may cause minor traffic delays along to local county roads during construction. Please refer to #U13-001 Proposal Section 3.8 for additional information.

**8. (Only Applicable to Major Permit Review) The Proposed Project will not create an undue financial burden on existing or future residents of the County.**

The amendment is a capital project, the cost for which will be paid by the Applicant. No public funds will be used for this amendment. This amendment will not negatively impact the existing tax burden or fee structure for government services applicable to County residents or property owners, as this infrastructure does not require local government services. However, additional infrastructure created by this amendment may result in increased tax revenues for the County. Please refer to #U13-001 Proposal Section 3.9 for additional information.

**9. (Only Applicable to Major Permit Review) The Proposed Project will not significantly degrade any substantial sector of the local economy.**

In addition to providing tax revenues to Arapahoe County, this amendment will benefit the County's economy through the jobs that are created during construction and the increased revenues to local businesses that provide goods and services to the Applicant and its contractors and employees. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue. Please refer to #U13-001 Proposal Section 3.10 for additional information.

**10. The Proposed Project will not unduly degrade the quality or quantity of recreational opportunities and experience.**

This amendment is not anticipated to have a direct impact on recreational activities, nor does it provide recreational opportunities. Recreational opportunities are not compromised by the added width or utilities of the easement. Please refer to #U13-001 Proposal Section 3.11 for additional information.

**11. The planning, design and operation of the Proposed Project will reflect principals of resource conservation, energy efficiency and recycling or reuse.**

This amendment will promote resource conservation by reducing the amount of gasoline or diesel used in transporting freshwater via trucking.

**12. The Proposed Project will not significantly degrade the environment. Appendix A includes the considerations that will be used to determine whether there will be significant degradation of the environment.**

**For purposes of this section, the term environment shall include:**

- a. Air quality.**
- b. Visual quality.**
- c. Surface water quality.**
- d. Groundwater quality.**
- e. Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas.**
- f. Terrestrial and aquatic animal life.**
- g. Terrestrial and aquatic plant life.**
- h. Soils and geologic conditions.**

Air Quality will not be impacted by this amendment. Future pipeline installations/construction would result in intermittent and short-term air pollutant emissions fugitive dust emissions and diesel combustion. To minimize fugitive dust emissions, the Applicant would use water to control dust on access roads and temporarily disturbed areas, as well as will limit speeds to 15 mph for vehicles traveling along disturbed areas. The Applicant will not conduct clearing of areas proposed for disturbance when winds are in excess of 35 mph. Air emissions could occur at increased levels near construction; however, potential impacts would be temporary and occur in isolation. Emissions associated with construction of the proposed gathering system will not cause or substantially contribute to a violation of any applicable ambient air quality standard. Please refer to #U13-001 Proposal Section 3.12.1 for more details.

Visual Quality will not be impacted by this amendment. Visual impacts associated with this amendment would be temporary and short-term associated with construction. Existing ground cover consists primarily of dryland pasture and short-grass prairie. There are no buildings or structures are planned for this amendment. Please refer to #U13-001 Proposal Section 3.12.2 for more details.

Surface Water Quality will not be impacted by this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a GESC Plan will be submitted to the County for review. Water quality will be maintained during construction through implementation of the GESC Plan,

which will employ the Best Management Practices detailed with the State of Colorado and Arapahoe County's Stormwater Management Manual. These BMPs are meant to prevent sediment runoff from stormwater. With implementation of these measures, impacts to surface water quantity and quality will be minor and short-term. Please refer to #U13-001 Proposal Section 3.12.3 for more details.

Groundwater Quality and Quantity will not be impacted by this amendment. The Applicant will coordinate with private landowners to ensure that groundwater quality is not affected by construction or operation. Groundwater quality could be impacted by spills of fuel during construction and by leaks or breaks in the pipeline. The Applicant will follow measures described in their Product Spill Response and Emergency Plan to reduce potential impacts from spills during construction and operation. Please refer to #U13-001 Proposal Section 3.12.4 for more details.

Wetlands and Riparian Areas will not be impacted by this amendment. Any width expansions of existing pipeline easements will not have any additional impacts to Wetlands and Riparian Areas. All wetlands and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements. Wetlands will be avoided where possible by rerouting of the gathering pipeline or by crossing the wetland with either an HDD or a bored crossing technique. #U13-001 Proposal Figure 6 provides a list of drainage/wetland crossings and #U13-001 Proposal Figure 8 is a floodplain map of the area. Please refer to #U13-001 Proposal Section 3.12.5 for more details.

Terrestrial and Aquatic Animals and Habitat will not be impacted by this amendment. The construction process will be managed to minimize impacts. The Applicant has identified threatened terrestrial and aquatic animals and shall continue to do so prior to any construction. #U13-001 Proposal Figure 9 provides a wildlife map of the project area and #U13-001 Proposal Appendix 1 includes the Environmental Impact Analysis. Please refer to #U13-001 Proposal Section 3.12.6 for more details.

Terrestrial and Aquatic Plant Life may be minimally impacted by this amendment. Most of the plant life encountered along the Gathering System corridors consists of rangeland grasses and dry land crops such as winter wheat. Due to the relatively small footprint of the Gathering System easements, minimal impact to terrestrial and aquatic plant life, including short grass prairie land, is anticipated from any future construction. The Applicant will reclaim any other lands disturbed during construction and will keep equipment within specified easements and along temporary construction roads.

Please refer to #U13-001 Proposal Section 3.12.7 for more details.

Soils, Geological Conditions and Natural Hazards will not be impacted by this amendment. The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant issues with soils, geologic conditions or natural hazards. Farmland soils that are to be crossed by any future construction are dryland/rangeland. Please refer to #U13-001 Proposal Section 3.12.8 for more details.

### **13. The Proposed Project will not cause a nuisance.**

Due to the nature of the Project, *i.e.*, buried pipelines, there will be no potential for causing any nuisance after installation is complete. There will be no dust, fumes, noise, vibration, lighting or odor anticipated after any future construction is completed. During construction, dust will be

controlled by watering roads and other disturbed areas. Although certain heavy equipment is required, noise and fumes will be minimized to the largest extent possible. Please refer to #U13-001 Proposal Section 3.13 for additional information.

**14. The Proposed Project will not significantly degrade areas of paleontological, historic, or archaeological importance.**

This amendment will not significantly degrade areas of paleontological, historic, or archaeological importance. For the original application, Metcalf Archeological Consultants, Inc. conducted a Class I overview for the gathering system project area. This report is included in the #U13-001 Proposal Appendix 2. The project area was searched through the Colorado Office of Archeology and Historic Preservation on-line database, Compass, Government Land Office plats, and aerial images access on GoogleEarth. The results of these searches indicate a total of 19 projects conducted in the region, and 226 cultural resources recorded, including 92 isolated finds and 134 sites. Along the preliminary route of the gathering systems, eight sites that are eligible or potentially eligible for inclusion on the National Register of Historic Places were reported and 15 sites were reported within 300 feet of the preliminary route. Of the eight sites, two are listed as eligible for inclusion on the National Register of Historic Places (NRHP), four are not eligible sites, and two are "needs data" sites. This study was done prior to the gathering system easement alignments being finalized. Therefore, the findings are based on a more conservative overall area of scope. The expansion of the maximum gathering system pipeline easement width (from 75 feet to 100 feet), the inclusion of freshwater pipelines within the corridor, nor the inclusion of multiple types of the same pipeline within the corridor would not impact the results of this study.

In addition to this report done with the original application, the Applicant always hires a third party consultant to inspect a project area prior to any disturbance. The Applicant's consultant shall be on-site prior to the construction process to monitor cultural resources and archaeological conditions. If any issues are noted, proper mitigation techniques shall be implemented. Future pipeline installations/construction within the Gathering System pipeline easements will include an inspection and report of the project area from an expert in the field. If any possible areas of paleontological, historic or archaeological importance are found, mitigation methods would be implemented as recommended by these experts.

**15. The Proposed Project will not result in unreasonable risk of releases of hazardous materials.**

**In making this determination as to such risk, the Board's consideration shall include:**

- a. Plans for compliance with federal and State handling, storage, disposal and transportation requirements.**
- b. Use of waste minimization techniques.**
- c. Adequacy of spill prevention and response plans.**

There are no new hazardous materials that would be included in the gathering system pipeline corridor from this amendment. The pipelines and mitigation methods included in the original application (natural gas, crude oil, produced water, and fiber optic cable), are described in detail in #U13-001 Proposal Section 3.14. The proposed inclusion of freshwater pipelines within the gathering system corridor, as opposed to produced water pipelines, are void of hydrocarbons and naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Freshwater is necessary to facilitate fracking operations. CPRM and the previous operator COP have drilled and completed oil and gas well facilities within the County without trucking freshwater to the sites. Instead, freshwater has been delivered overland in “lay-flat” pipes. This strategy has protected the County’s roadway infrastructure and residents from potential pavement degradation and increased vehicles on the roadway system, from the truck traffic that would otherwise be necessary to transport freshwater to oil and gas wells. Installing this additional infrastructure will provide enhanced roadway safety, reduced emissions, reduced noise and increased longevity along the County roadway system.

Future pipeline installations/construction within the gathering system pipeline easements will be managed and maintained and be performed as outlined in #U13-001 Proposal Section 3.14 in order to mitigate risk. There will be no storage of fuels, lubricants chemicals or waste on the construction right-of-way except on a temporary basis during maintenance or construction activities. Measures to contain or control any spill that may occur and to contact appropriate emergency offices and personnel are formulated and designed in accordance with federal, state, and local requirements.

**16. (Only Applicable to Major Permit Review) The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.**

This amendment and the overall project are not expected to impose direct or indirect losses on industrial, agricultural or recreational resources in Arapahoe County, or to preclude opportunities to develop such resources in the future. However, there would be an indirect benefit by virtue of increased tax revenue to the County. Please refer to #U13-001 Proposal Section 3.16 for additional information.

**17. The Proposed project is the best alternative available based on consideration of need, existing technology, cost, impact and these regulations.**

The proposed narrative amendments are the best alternative available based on consideration of need, existing technology, cost, impact and the 1041 regulations as this amendment seeks to entitle the right to create a more productive pipeline easement, as opposed to creating additional pipeline corridors. A key consideration to the County should be that this amendment is the best alternative when the positive effects on traffic and tax revenues are considered.

**18. The Proposed Project will not unduly degrade the quality or quantity of agricultural activities.**

The amendment will impact some dry land farming areas during future construction activities. Farming operations can continue adjacent to the new facilities. The amendment will not unduly degrade the quality or quantity of agricultural activities as pipelines are buried and allow the continuation of agricultural activities.

**19. Cultural Resources. The Proposed Project will not significantly interfere with the preservation of cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle and the opportunity for solitude in the natural environment.**

This amendment will not significantly interfere with the preservation of cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle and the opportunity for solitude in the natural environment. The rural lifestyle can still be maintained

and farming and ranching operations can continue adjacent to the facilities Metcalf Archeological Consultants, Inc. conducted a Class I overview for the original gathering system project area. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements will attempt to avoid all known sites listed as eligible for inclusion on the National Register of Historic Places. If any known eligible sites would be impacted, the Applicant will mitigate the known eligible site prior to construction and follow the language laid out in #U13-001 Proposal Section 3.14 and #U13-001 Proposal Appendix 2.

**20. Land Use. The Proposed Project will not cause significant degradation of land use patterns in the area around the Proposed Project.**

The original application and this amendment fall under authority and guidance of the Arapahoe County Comprehensive Plan (The Plan). The Plan, updated January 2020, designates the majority of the Project area as "Rural Area." This designation is defined in The Plan as "The County will discourage non-residential uses from occurring in the Rural Area, including uses permitted by special review, unless they are agriculture-related or are public facilities and services ". The Plan further defines a public facility as "Land uses including schools, day care facilities, churches, libraries, jails, recreational centers, airports, hospitals, fairgrounds, utility lines, power substations, fire stations, police/law enforcement stations, government offices, and power energy facilities". Therefore, the Plan indicates that this land use (e.g., power energy facilities) should be suitable for the area proposed. Any width expansions of existing pipeline easements will not have any impact to the proposed land use or impact on land use patterns, as changing the content and width of the easement does not preclude land development. Please refer to #U13-001 Proposal Section 3.7 for more details.

**21. Compliance with Regulations & Fees. The applicant has complied with all applicable provisions of these regulations and has paid all applicable fees.**

Crestone Peak Resources Midstream LLC has complied with all applicable provisions of these regulations and has paid all applicable fees.

**LAND DEVELOPMENT CODE SECTION 5-3.4.B.1 USR APPROVAL CRITERIA**

**a. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.**

The original application and this amendment fall under authority and guidance of the Arapahoe County Comprehensive Plan (The Plan). The Plan, updated January, 2020, designates the majority of the Project area as "Rural Area." This designation is defined in The Plan as "The County will discourage non-residential uses from occurring in the Rural Area, including uses permitted by special review, unless they are agriculture-related or are public facilities and services ". The Plan further defines a public facility as "Land uses including schools, day care facilities, churches, libraries, jails, recreational centers, airports, hospitals, fairgrounds, utility lines, power substations, fire stations, police/law enforcement stations, government offices, and power energy facilities". Therefore, the Plan indicates that this land use (e.g., power energy facilities) should be suitable for the area proposed. Any width expansions of existing pipeline

easements will not have any impact to the proposed land use or impact on land use patterns, as changing the content and width of the easement does not preclude land development. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue.

This amendment is not anticipated to have any impact on existing and planned infrastructure. This amendment will not require support from any existing or future water or sewer systems and will not have any impact to existing drainage patterns, since the pipeline infrastructure is underground. Impact to local roads will vary day by day for any future construction. To mitigate any potential impacts to local County roads, Traffic Control Plans will be prepared as needed and followed during construction with an emphasis on working around school bus schedules. In addition, CPRM will encourage centralized parking for non-construction vehicles. As with pipeline projects, once construction is complete, traffic associated with the oil and gas operations is reduced, as vehicles that would have trucked materials are off the road. Please refer to #U13-001 Proposal Section 3.17 and 3.18 for more details.

**b. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.**

The Applicant has reviewed the Arapahoe County Comprehensive Plan, updated January 2020, and has found the Project is considered an allowable use within the land use designations. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue. This amendment will not significantly degrade the natural environment.

Air Quality will not be impacted by this amendment. Future pipeline installations/construction would result in intermittent and short-term air pollutant emissions fugitive dust emissions and diesel combustion. To minimize fugitive dust emissions, the Applicant would use water to control dust on access roads and temporarily disturbed areas, as well as will limit speeds to 15 mph for vehicles traveling along disturbed areas. The Applicant will not conduct clearing of areas proposed for disturbance when winds are in excess of 35 mph. Air emissions could occur at increased levels near construction; however, potential impacts would be temporary and occur in isolation. Emissions associated with construction of the proposed gathering system will not cause or substantially contribute to a violation of any applicable ambient air quality standard. Please refer to #U13-001 Proposal Section 3.12.1 for more details.

Visual Quality will not be impacted by this amendment. Visual impacts associated with this amendment would be temporary and short-term associated with construction. Existing ground cover consists primarily of dryland pasture and short-grass prairie. There are no buildings or structures are planned for this amendment. Please refer to #U13-001 Proposal Section 3.12.2 for more details.

Surface Water Quality will not be impacted by this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a GESC Plan will be submitted to the County for review. Water quality will be maintained during construction through implementation of the GESC Plan, which will employ the Best Management Practices detailed with the State of Colorado and Arapahoe County's Stormwater Management Manual. These BMPs are meant to prevent

sediment runoff from stormwater. With implementation of these measures, impacts to surface water quantity and quality will be minor and short-term. Please refer to #U13-001 Proposal Section 3.12.3 for more details.

Groundwater Quality and Quantity will not be impacted by this amendment. The Applicant will coordinate with private landowners to ensure that groundwater quality is not affected by construction or operation. Groundwater quality could be impacted by spills of fuel during construction and by leaks or breaks in the pipeline. The Applicant will follow measures described in their Product Spill Response and Emergency Plan to reduce potential impacts from spills during construction and operation. Please refer to #U13-001 Proposal Section 3.12.4 for more details.

Wetlands and Riparian Areas will not be impacted by this amendment. Any width expansions of existing pipeline easements will not have any additional impacts to Wetlands and Riparian Areas. All wetlands and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements. Wetlands will be avoided where possible by rerouting of the gathering pipeline or by crossing the wetland with either an HDD or a bored crossing technique. #U13-001 Proposal Figure 6 provides a list of drainage/wetland crossings and #U13-001 Proposal Figure 8 is a floodplain map of the area. Please refer to #U13-001 Proposal Section 3.12.5 for more details.

Terrestrial and Aquatic Animals and Habitat will not be impacted by this amendment. The construction process will be managed to minimize impacts. The Applicant has identified threatened terrestrial and aquatic animals and shall continue to do so prior to any construction. #U13-001 Proposal Figure 9 provides a wildlife map of the project area and #U13-001 Proposal Appendix 1 includes the Environmental Impact Analysis. Please refer to #U13-001 Proposal Section 3.12.6 for more details.

Terrestrial and Aquatic Plant Life may be minimally impacted by this amendment. Most of the plant life encountered along the Gathering System corridors consists of rangeland grasses and dry land crops such as winter wheat. Due to the relatively small footprint of the Gathering System easements, minimal impact to terrestrial and aquatic plant life, including short grass prairie land, is anticipated from any future construction. The Applicant will reclaim any other lands disturbed during construction and will keep equipment within specified easements and along temporary construction roads.

Please refer to #U13-001 Proposal Section 3.12.7 for more details.

Soils, Geological Conditions and Natural Hazards will not be impacted by this amendment. The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant issues with soils, geologic conditions or natural hazards. Farmland soils that are to be crossed by the any future construction are dryland/rangeland. Please refer to #U13-001 Proposal Section 3.12.8 for more details.

**c. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.**

This amendment will not impact the ability for efficient and adequate provision of public services, including but not limited to police, fire, school, park, and libraries. There is no

construction proposed with this amendment, however any future construction within the Gathering System pipeline easements may cause minor traffic delays along to local county roads during construction.

**d. Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.**

This amendment does not propose any infrastructure that would preclude the convenience for the present and future residents of Arapahoe County for appropriate supporting activities, such as employment, housing, leisure-time, and retail centers that are in close proximity to one another. This amendment will benefit the County's economy through the jobs that are created during construction and the increased revenues to local businesses that provide goods and services to the Applicant and its contractors and employees.

**e. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.**

Public health and safety will be adequately protected against natural and man-made hazards as applicable to this amendment. There is no construction proposed with this amendment, however there will be no dust, fumes, noise, vibration, lighting or odor anticipated after any future construction is completed. During construction, dust will be controlled by watering roads and other disturbed areas. Although certain heavy equipment is required, traffic noise and fumes will be minimized to the largest extent possible. There are no airport hazards associated with this amendment.

There are no new hazardous materials that would be included in the gathering system pipeline corridor from this amendment. The pipelines and mitigation methods included in the original application (natural gas, crude oil, produced water, and fiber optic cable), are described in detail in #U13-001 Proposal Section 3.14. The proposed inclusion of freshwater pipelines within the gathering system corridor, as opposed to produced water pipelines, are void of hydrocarbons and naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Future construction within the gathering system pipeline easements will be managed and maintained and be performed as outlined in #U13-001 Proposal Section 3.14 in order to mitigate risk. There will be no storage of fuels, lubricants chemicals or waste on the construction right-of-way except on a temporary basis during maintenance or construction activities. Measures to contain or control any spill that may occur and to contact appropriate emergency offices and personnel are formulated and designed in accordance with federal, state, and local requirements.

Flooding will not be impacted by this amendment. Any width expansions of existing pipeline easements will not have any additional impacts to existing floodplain limits, wetlands or riparian areas. All floodplains, wetlands, and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements. Wetlands will be avoided where possible by rerouting of the gathering pipeline or by crossing the wetland with either an HDD or a bored crossing technique. #U13-001 Proposal Figure 6 provides a list of drainage/wetland crossings and #U13-001 Proposal Figure 8 includes a floodplain map of the area.

**f. Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.**

This amendment does not propose any infrastructure that is intended for public use or access. This amendment will not impact any existing adjacent uses or infrastructure's ability to provide accessibility.

**g. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.**

This amendment will minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements. The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant issues with soils, geologic conditions, or natural hazards. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue. Due to the relatively small footprint of the Gathering System easements, minimal impact to terrestrial and aquatic plant life, including short grass prairie land, is anticipated from any future construction. The Applicant will reclaim any other lands disturbed during construction and will keep equipment within specified easements and along temporary construction roads. Streams, lakes, and other drainage ways will not be impacted by this amendment and any crossings will be done in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements.

**h. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.**

This amendment does not propose any infrastructure or amenities that are intended for public use or access. Visual quality will not be impacted by this amendment. Visual impacts associated with this amendment would be temporary and short-term associated with construction. Existing ground cover consists primarily of dryland pasture and short-grass prairie. There are no buildings or structures planned for this amendment. This amendment is not anticipated to have a direct impact on recreational activities, nor does it provide recreational opportunities. Recreational opportunities are not compromised by the added width or utilities of the easement.

**i. Enhance the useable open spaces in Arapahoe County and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.**

This amendment will not impact the existing usable open spaces in Arapahoe County. This amendment will not prevent any adjacent uses and infrastructure from providing or accommodating recreational areas for County residents and employees.

## Arapahoe County Case No. UASI21-003

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## **1041 SECTION III.C. APPLICATION SUBMITTAL REQUIREMENTS**

### **1. Application Fee**

The application fee for the original application was paid at the time of the original application's review. Please refer to #U14-001 Proposal Section 3.1. The applicant will pay any fees associated with the review of this amendment.

### **2. Information Describing the Applicant**

The original applicant, ConocoPhillips Company (COP) and their wholly owned subsidiary, Bronco Pipeline Company (BPC), sold and assigned their Colorado assets to Crestone Peak Resources in March 2020. Crestone Peak Resources Midstream (CPRM) is the subsidiary associated with pipeline development and operations. CPRM is the applicant proposing this amendment. Crestone Peak Resources is a top producer of oil and natural gas in the Denver-Julesburg Basin (DJ Basin), led by a team of Colorado-based energy professionals. They were named 2020 "Gold Leader" in the Colorado Department of Public Health and Environment (CDPHE) Environmental Leadership Program.

### **3. Information Describing the Project**

This proposed amendment to the Bronco Pipeline Company Gathering System – Phase 2 (Lines 6, F & G) Use by Special Review (USR) Plan narrative assigned with Arapahoe County Case No. U14-001 aims to clarify and adjust the USR/1041 narrative for future gathering system installation projects. This includes allowing for freshwater pipelines to be installed within the pipeline easements, clarifying that the water pipelines (produced water or freshwater) may be larger than 14 inches in diameter, pipeline easement widths obtained from landowners may be up to 100 feet wide, and that the pipeline easements may have multiple types of utilities within the easements. Each of these amendments are described in further detail below. There are no additions or changes to the gathering system alignment proposed with this amendment. There is no pipeline installation or land disturbance anticipated at this time. Once construction is planned within any existing easements on the USR, a GESC Plan will be submitted to Arapahoe County for review. If any additions or changes to the gathering system alignments are proposed in the future, an amendment will be required to the USR.

#### **AMENDMENT ITEM 1**

Per the Section 1.1 Project Description of the approved USR, only produced water pipelines were originally contemplated. The proposed amendment seeks to obtain entitlements for freshwater pipelines as well. Freshwater pipelines, as opposed to produced water pipelines, are void of hydrocarbons, naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Freshwater is necessary to facilitate fracking operations. CPRM and the previous operator ConocoPhillips Company (COP) have drilled and completed all the oil and gas well facilities within Arapahoe County (County) without trucking freshwater to the sites. Instead, freshwater has been delivered overland in "lay-flat" pipes. This strategy has protected the County's roadway infrastructure and residents from potential pavement degradation and from increased vehicles on the roadway system, from the truck traffic that would otherwise be necessary to transport freshwater to oil and gas wells. Installing this additional infrastructure will provide enhanced

roadway safety, reduced emissions, reduced noise and increased longevity along the County roadway system.

Section 1.1 also states that pipelines shall “not exceed 12 inches in diameter”. This proposed amendment plans to clarify that this stated pipe diameter is relative to hydrocarbon, i.e., crude oil and natural gas pipelines, since watermains, whether freshwater or produced water, are typically larger. The maximum size for the watermains is 24 inches in diameter.

#### **AMENDMENT ITEM 2**

Beginning in Section 1.1 and reiterated throughout the USR narrative and plan sheets, a fifty foot permanent easement and a twenty-five foot temporary construction easement is contemplated. In some instances, additional easement width is required. The applicant has secured from landowners' permanent easement widths up to 100 feet. This amendment seeks to address this existing discrepancy as well.

#### **AMENDMENT ITEM 3**

Section 2.1.1 references “permits and approvals for installation of three (3) co-located gathering pipelines and a fiber optic cable installation”. This amendment seeks to clarify that these are the four types (and now five with the introduction of the freshwater pipeline) of utilities proposed within the entitled easements. In some instances, the applicant may have one of each type, or two of another (such as oil or gas) and less than another (such as the waterlines). The absolute total number of pipelines are as follows, a maximum of nine total lines, with one for fresh water, three for natural gas, one for produced water, three for crude oil and one telecommunications pipe that consists of three telecommunications lines in one pipe sleeve. The separation between the pipelines is typically ten feet.

Please refer to Appendix 2 for the amended Use By Special Review Plan.

Please refer to #U14-001 Proposal Section 3.3 for additional information.

### **4. Property Rights, Permits and Other Approvals**

There are no proposed changes to #U14-001 Proposal Section 3.4. This amendment requires a Land Use permit (USR) be acquired from the County. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements will require a Grading, Erosion, Sediment Control Plan (GESC) from the County, as well as a Street Cut and Right of Way Use Permit for any Right of Way crossings from the County. All state and federal permits for the project were obtained with the original application. Acquisition of land rights in the form of easements from property owners will occur if additional easement width is needed. The County's approval of this USR is relative to land use only. It is the responsibility of the applicant to ensure that the rights to install infrastructure are in compliance with the individual easement agreements secured with each landowner. A copy of the recorded easements will be supplied to the County. Please refer to #U14-001 Proposal Section 3.4 for additional information.

### **5. Regional Water Quality Management Plan**

There are no proposed changes to #U14-001 Proposal Section 3.5. There is no long-term water use planned for this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a

GESC Plan will be submitted to the County for review. This GESC Plan will comply with the State of Colorado and Arapahoe County's Stormwater Management Manual, employing the Best Management Practices detailed in the GESC Plans and any other pertinent manuals and permits. With implementation of these measures, this amendment will be in compliance with the regional water quality plan. Please refer to #U14-001 Proposal Section 3.5 for additional information.

## **6. Financial Feasibility of The Project**

There are no proposed changes to #U14-001 Proposal Section 3.6. The Applicant will finance the amendment from revenues obtained through the Applicant's existing capital budget. The benefits would be directly to the Applicant and indirectly to the public. Please refer to #U14-001 Proposal Section 3.6 for additional information.

## **7. Land Use**

There are no proposed changes to #U14-001 Proposal Section 3.7. The original application and this amendment fall under authority and guidance of the Arapahoe County Comprehensive Plan (The Plan). The Plan, updated January, 2020, designates the majority of the Project area as "Rural Area." This designation is defined in The Plan as "The County will discourage non-residential uses from occurring in the Rural Area, including uses permitted by special review, unless they are agriculture-related or are public facilities and services ". The Plan further defines a public facility as "Land uses including schools, day care facilities, churches, libraries, jails, recreational centers, airports, hospitals, fairgrounds, utility lines, power substations, fire stations, police/law enforcement stations, government offices, and power energy facilities". Therefore, the Plan indicates that this land use (e.g., power energy facilities) should be suitable for the area proposed. Any width expansions of existing pipeline easements will not have any impact to the proposed land use or impact on land use patterns, as changing the content and width of the easement does not preclude land development. Please refer to #U14-001 Proposal Section 3.7 for more details.

## **8. Local Government Services**

There are no proposed changes to #U14-001 Proposal Section 3.8. This amendment will not place increased demands on local government services. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements may cause minor traffic delays along to local county roads during construction. Please refer to #U14-001 Proposal Section 3.8 for more details.

## **9. Financial Burden on County Residents**

There are no proposed changes to #U14-001 Proposal Section 3.9. This amendment will not negatively impact the existing tax burden or fee structure for government services applicable to Arapahoe County residents or property owners, as this infrastructure does not require local government services. However, additional infrastructure created by this amendment may result in increased tax revenues for Arapahoe County. Please refer to #U14-001 Proposal Section 3.9 for more details.

## **10. Local Economy**

There are no proposed changes to #U14-001 Proposal Section 3.10. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue. The original approved application and this amendment have no impact to any residential uses. Please refer to #U14-001 Proposal Section 3.10 for more details.

## **11. Recreational Opportunities**

There are no proposed changes to #U14-001 Proposal Section 3.11. This amendment is not anticipated to have a direct impact on recreational activities, nor does it provide recreational opportunities. Recreational opportunities are not compromised by the added width or utilities of the easement. This project and amendment have no impact to any residential uses. Please refer to #U14-001 Proposal Section 3.11 for more details.

## **12. Environmental Impact Analysis**

There are no proposed changes to #U14-001 Proposal Section 3.12.

Air Quality will not be impacted by this amendment. Future pipeline installations/construction would result in intermittent and short-term air pollutant emissions fugitive dust emissions and diesel combustion. To minimize fugitive dust emissions, the Applicant would use water to control dust on access roads and temporarily disturbed areas, as well as will limit speeds to 15 mph for vehicles traveling along disturbed areas. The Applicant will not conduct clearing of areas proposed for disturbance when winds are in excess of 35 mph. Air emissions could occur at increased levels near construction; however, potential impacts would be temporary and occur in isolation. Emissions associated with construction of the proposed gathering system will not cause or substantially contribute to a violation of any applicable ambient air quality standard. Please refer to #U14-001 Proposal Section 3.12.1 for more details.

Visual Quality will not be impacted by this amendment. Visual impacts associated with this amendment would be temporary and short-term associated with construction. Existing ground cover consists primarily of dryland pasture and short-grass prairie. There are no buildings or structures are planned for this amendment. Please refer to #U14-001 Proposal Section 3.12.2 for more details.

Surface Water Quality will not be impacted by this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a GESC Plan will be submitted to the County for review. Water quality will be maintained during construction through implementation of the GESC Plan, which will employ the Best Management Practices detailed with the State of Colorado and Arapahoe County's Stormwater Management Manual. These BMPs are meant to prevent sediment runoff from stormwater. With implementation of these measures, impacts to surface water quantity and quality will be minor and short-term. Please refer to #U14-001 Proposal Section 3.12.3 for more details.

Groundwater Quality and Quantity will not be impacted by this amendment. The Applicant will coordinate with private landowners to ensure that groundwater quality is not affected by construction or operation. Groundwater quality could be impacted by spills of fuel during

construction and by leaks or breaks in the pipeline. The Applicant will follow measures described in their Product Spill Response and Emergency Plan to reduce potential impacts from spills during construction and operation. Please refer to #U14-001 Proposal Section 3.12.4 for more details.

Wetlands and Riparian Areas will not be impacted by this amendment. Any width expansions of existing pipeline easements will not have any additional impacts to Wetlands and Riparian Areas. All wetlands and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements. Wetlands will be avoided where possible by rerouting of the gathering pipeline or by crossing the wetland with either an HDD or a bored crossing technique. #U14-001 Proposal Figure 6 provides a list of drainage/wetland crossings and #U14-001 Proposal Figure 8 is a floodplain map of the area. Please refer to #U14-001 Proposal Section 3.12.5 for more details.

Terrestrial and Aquatic Animals and Habitat will not be impacted by this amendment. Future pipeline installations/construction will be managed to minimize impacts. The Applicant has identified threatened terrestrial and aquatic animals and shall continue to do so prior to any construction. #U14-001 Proposal Figure 9 provides a wildlife map of the project area and #U14-001 Proposal Appendix 1 includes the Environmental Impact Analysis. Please refer to #U14-001 Proposal Section 3.12.6 for more details.

Terrestrial and Aquatic Plant Life will not be impacted by this amendment. Most of the plant life encountered along the Gathering System corridors consists of rangeland grasses and dry land crops such as winter wheat. Due to the relatively small footprint of the Gathering System easements, minimal impact to terrestrial and aquatic plant life, including short grass prairie land, is anticipated from any future construction. The Applicant will reclaim any other lands disturbed during construction and will keep equipment within specified easements and along temporary construction roads. Please refer to #U14-001 Proposal Section 3.12.7 for more details.

Soils, Geological Conditions and Natural Hazards will not be impacted by this amendment. The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant issues with soils, geologic conditions or natural hazards. Farmland soils that are to be crossed by the any future construction are dryland/rangeland. Topsoil is removed during construction activities and is stored parallel to the construction area. Please refer to #U14-001 Proposal Section 3.12.8 for more details.

### **13. Nuisances**

There are no proposed changes to #U14-001 Proposal Section 3.13. There will be no dust, fumes, noise, vibration, lighting or odor anticipated after any future construction is completed. During construction, dust will be controlled by watering roads and other disturbed areas. Although certain heavy equipment is required, noise and fumes will be minimized to the largest extent possible. Please refer to #U14-001 Proposal Section 3.13 for more details.

### **14. Areas of Paleontological, Historic or Archaeological Importance**

There are no proposed changes to #U14-001 Proposal Section 3.14. For the original application, Metcalf Archeological Consultants, Inc. conducted a Class I overview for the gathering system project area. This report is included in the #U14-001 Proposal Appendix 2. The project area was searched through the Colorado Office of Archeology and Historic Preservation on-line database, Compass, Government Land Office plats, and aerial images access on GoogleEarth. The results

of these searches indicate a total of 19 projects conducted in the region, and 226 cultural resources recorded, including 92 isolated finds and 134 sites. Along the preliminary route of the gathering systems, eight sites that are eligible or potentially eligible for inclusion on the National Register of Historic Places were reported and 15 sites were reported within 300 feet of the preliminary route. Of the eight sites, two are listed as eligible for inclusion on the National Register of Historic Places (NRHP), four are not eligible sites, and two are "needs data" sites. This study was done prior to the gathering system easement alignments being finalized. Therefore, the findings are based on a more conservative overall area of scope. The expansion of the maximum gathering system pipeline easement width (from 75 feet to 100 feet), the inclusion of freshwater pipelines within the corridor, nor the inclusion of multiple types of the same pipeline within the corridor would not impact the results of this study.

In addition to this report prepared for the original application, the Applicant always hires a third party consultant to inspect a project area prior to any disturbance. The Applicant's consultant shall be on-site prior to the construction process to monitor cultural resources and archaeological conditions. If issues are noted, proper mitigation techniques shall be implemented. Future pipeline installations/construction within the Gathering System pipeline easements will include an inspection and report of the project area from an expert in the field. If possible areas of paleontological, historic or archaeological importance are found, mitigation methods will be implemented as recommended by these experts.

## **15. Hazardous Materials Description**

There are no proposed changes to #U14-001 Proposal Section 3.15. There are no new hazardous materials that would be included in the gathering system pipeline corridor from this amendment. The pipelines and mitigation methods included in the original application (natural gas, crude oil, produced water, and fiber optic cable), are described in detail in #U14-001 Proposal Section 3.14. The proposed inclusion of freshwater pipelines within the gathering system corridor, as opposed to produced water pipelines, are void of hydrocarbons and naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Future construction within the gathering system pipeline easements will be managed and maintained and be performed as outlined in #U14-001 Proposal Section 3.14 in order to mitigate risk. There will be no storage of fuels, lubricants chemicals or waste on the construction right-of-way except on a temporary basis during maintenance or construction activities. Measures to contain or control any spill that may occur and to contact appropriate emergency offices and personnel are formulated and designed in accordance with federal, state, and local requirements.

## **16. Balance Between Benefits and Losses**

There are no proposed changes to #U14-001 Proposal Section 3.16. This amendment and the overall project are not expected to impose direct or indirect losses on industrial, agricultural or recreational resources in Arapahoe County, or to preclude opportunities to develop such resources in the future. However, there would be an indirect benefit by virtue of increased tax revenue to the County. Please refer to #U14-001 Proposal Section 3.16 for more details.

## **17. Monitoring and Mitigation Plan**

There are no proposed changes to #U14-001 Proposal Section 3.17. Future pipeline installations/construction within the gathering system pipeline easements will include an inspection and report of the project area from an expert in the field. If potential wildlife impacts are found, mitigation methods will be implemented as recommended by these experts. Mitigation techniques will be implemented as appropriate prior to, during, and immediately after construction. These measures will be financed as part of the overall project cost. Impacts to local resources and species as a result of the project shall be addressed immediately upon identification or notification. All mitigation techniques will be monitored during and after construction by field personnel. Please refer to #U14-001 Proposal Section 3.17 and #U14-001 Proposal Appendix 1 for more details.

## **18. Transportation Impacts**

There are no proposed changes to #U14-001 Proposal Section 3.18. A Traffic Study was prepared for the original application by LSC Transportation Consultants, Inc. and is included in #U14-001 Proposal Appendix 4. Impact to local roads will vary day by day for any future construction. To mitigate any potential impacts to local County roads, Traffic Control Plans will be prepared as needed and followed during construction with an emphasis on working around school bus schedules. In addition, CPRM will encourage centralized parking for non-construction vehicles. Worker parking will be at the existing parking area located at the CPRM field office on East Quincy Avenue. As with pipeline projects, once construction is complete, traffic associated with the oil and gas operations is reduced, as vehicles that would have trucked materials are off the road. Please refer to #U14-001 Proposal Section 3.18 for more details.

## **19. Benefit/Cost Analysis**

There are no proposed changes to #U14-001 Proposal Section 3.19. There will be no cost burden to the County or to any adjacent state or local jurisdiction resulting from this amendment. In addition to the original project's scope, the proposed inclusion of freshwater pipelines within the gathering system corridor will provide enhanced roadway safety, reduced emissions, reduced noise and increased longevity along the County roadway system. There are no public health or safety concerns associated with the conveyance of freshwater. The proposed amendment is not expected to impose long-term economic or environmental costs on adjacent landowners, surrounding communities, or county services and recreational facilities. Please refer to #U14-001 Proposal Section 3.19 for more details.

## **20. Engineering Studies**

There are no proposed changes to #U14-001 Proposal Section 3.20. The overall GESC Plans and Traffic Study were submitted as part of the original application. This amendment does not propose any construction/installation of any pipelines at this time, only narrative changes. At the time of a pipeline installation, a GESC will be submitted to the County for review. Please refer to #U14-001 Proposal Section 3.20 for more details.

## **21. Referrals to Outside Agencies and Response to Referral Comments**

There are no proposed changes to #U14-001 Proposal Section 3.21. Referrals to outside agencies have been received by the applicant for this amendment application and have been responded to in Appendix 1.E of this amendment application submittal package.

## **1041 SECTION V.A. GENERAL APPROVAL CRITERIA**

- 1. Documentation that prior to site disturbance associated with the Proposed Project, the applicant can and will obtain all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.**

This amendment requires a Land Use permit (USR) be acquired from the County. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements will require a Grading, Erosion, Sediment Control Plan (GESC) from the County, as well as a Street Cut and Right of Way Use Permit for any Right of Way crossings from the County. All state and federal permits for the project were obtained with the original application. Acquisition of land rights in the form of easements from property owners will occur if additional easement width is needed. A copy of the recorded easements will be supplied to the County. In Please refer to #U14-001 Proposal Section 3.4 for additional information.

- 2. The Proposed Project considers the relevant provisions of the regional water quality plans.**

There is no long-term water use planned for this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a GESC Plan will be submitted to the County for review. This GESC Plan will comply with the State of Colorado and Arapahoe County's Stormwater Management Manual, employing the Best Management Practices detailed in the GESC Plans and any other pertinent manuals and permits. With implementation of these measures, this amendment will be in compliance with the regional water quality plan. Please refer to #U14-001 Proposal Section 3.5 for additional information.

- 3. (Only Applicable to Major Permit Review) The applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.**

The Applicant and its related entities have successfully budgeted, constructed, and currently operates multiple facilities similar to the infrastructure proposed with this amendment. The Applicant has the necessary expertise and financial capability to develop and operate any future construction or installation of pipelines, consistent with requirements and conditions. The Applicant will finance the amendment from revenues obtained through the Applicant's existing capital budget. The benefits would be directly to the Applicant and indirectly to the public. Please refer to #U14-001 Proposal Section 3.6 for additional information.

**4. (Only Applicable to Major Permit Review) The Proposed Project is technically and financially feasible.**

The proposed narrative amendments are technically and financially feasible. The Applicant has reviewed this amendment for purpose, need, and technical viability and decided to proceed upon receipt of required permits and approvals from the County. Please refer to #U14-001 Proposal Section 3.6 for additional information.

**5. The Proposed Project is not subject to significant risk from natural hazards.**

The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant risks from natural hazards. The Applicant has conducted investigations to identify potential hazards (earthquakes, mass washing, landslides, karst terrain) along the system route and has institutional knowledge of the project area because of the Applicant's or related entity's existing facilities in the vicinity. Please refer to #U14-001 Proposal Section 3.12 for additional information.

**6. The Proposed Project is in general conformity with the applicable comprehensive plans.**

The Applicant has reviewed the Arapahoe County Comprehensive Plan, updated January 2020, and has found the Project is considered an allowable use within the land use designations. Please refer to #U14-001 Proposal Section 3.7 for additional information.

**7. The Proposed Project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.**

This amendment will not place increased demands on local government services. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements may cause minor traffic delays along to local county roads during construction. Please refer to #U14-001 Proposal Section 3.8 for additional information.

**8. (Only Applicable to Major Permit Review) The Proposed Project will not create an undue financial burden on existing or future residents of the County.**

The amendment is a capital project, the cost for which will be paid by the Applicant. No public funds will be used for this amendment. This amendment will not negatively impact the existing tax burden or fee structure for government services applicable to County residents or property owners, as this infrastructure does not require local government services. However, additional infrastructure created by this amendment may result in increased tax revenues for the County. Please refer to #U14-001 Proposal Section 3.9 for additional information.

**9. (Only Applicable to Major Permit Review) The Proposed Project will not significantly degrade any substantial sector of the local economy.**

In addition to providing tax revenues to Arapahoe County, this amendment will benefit the County's economy through the jobs that are created during construction and the increased revenues to local businesses that provide goods and services to the Applicant and its contractors and employees. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue. Please refer to #U14-001 Proposal Section 3.10 for additional information.

**10. The Proposed Project will not unduly degrade the quality or quantity of recreational opportunities and experience.**

This amendment is not anticipated to have a direct impact on recreational activities, nor does it provide recreational opportunities. Recreational opportunities are not compromised by the added width or utilities of the easement. Please refer to #U14-001 Proposal Section 3.11 for additional information.

**11. The planning, design and operation of the Proposed Project will reflect principals of resource conservation, energy efficiency and recycling or reuse.**

This amendment will promote resource conservation by reducing the amount of gasoline or diesel used in transporting freshwater via trucking.

**12. The Proposed Project will not significantly degrade the environment. Appendix A includes the considerations that will be used to determine whether there will be significant degradation of the environment.**

**For purposes of this section, the term environment shall include:**

- a. Air quality.**
- b. Visual quality.**
- c. Surface water quality.**
- d. Groundwater quality.**
- e. Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas.**
- f. Terrestrial and aquatic animal life.**
- g. Terrestrial and aquatic plant life.**
- h. Soils and geologic conditions.**

Air Quality will not be impacted by this amendment. Future pipeline installations/construction would result in intermittent and short-term air pollutant emissions fugitive dust emissions and diesel combustion. To minimize fugitive dust emissions, the Applicant would use water to control dust on access roads and temporarily disturbed areas, as well as will limit speeds to 15 mph for vehicles traveling along disturbed areas. The Applicant will not conduct clearing of areas proposed for disturbance when winds are in excess of 35 mph. Air emissions could occur at increased levels near construction; however, potential impacts would be temporary and occur in isolation. Emissions associated with construction of the proposed gathering system will not cause or substantially contribute to a violation of any applicable ambient air quality standard. Please refer to #U14-001 Proposal Section 3.12.1 for more details.

Visual Quality will not be impacted by this amendment. Visual impacts associated with this amendment would be temporary and short-term associated with construction. Existing ground cover consists primarily of dryland pasture and short-grass prairie. There are no buildings or structures are planned for this amendment. Please refer to #U14-001 Proposal Section 3.12.2 for more details.

Surface Water Quality will not be impacted by this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a GESC Plan will be submitted to the County for review. Water quality will be maintained during construction through implementation of the GESC Plan,

which will employ the Best Management Practices detailed with the State of Colorado and Arapahoe County's Stormwater Management Manual. These BMPs are meant to prevent sediment runoff from stormwater. With implementation of these measures, impacts to surface water quantity and quality will be minor and short-term. Please refer to #U14-001 Proposal Section 3.12.3 for more details.

Groundwater Quality and Quantity will not be impacted by this amendment. The Applicant will coordinate with private landowners to ensure that groundwater quality is not affected by construction or operation. Groundwater quality could be impacted by spills of fuel during construction and by leaks or breaks in the pipeline. The Applicant will follow measures described in their Product Spill Response and Emergency Plan to reduce potential impacts from spills during construction and operation. Please refer to #U14-001 Proposal Section 3.12.4 for more details.

Wetlands and Riparian Areas will not be impacted by this amendment. Any width expansions of existing pipeline easements will not have any additional impacts to Wetlands and Riparian Areas. All wetlands and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements. Wetlands will be avoided where possible by rerouting of the gathering pipeline or by crossing the wetland with either an HDD or a bored crossing technique. #U14-001 Proposal Figure 6 provides a list of drainage/wetland crossings and #U14-001 Proposal Figure 8 is a floodplain map of the area. Please refer to #U14-001 Proposal Section 3.12.5 for more details.

Terrestrial and Aquatic Animals and Habitat will not be impacted by this amendment. The construction process will be managed to minimize impacts. The Applicant has identified threatened terrestrial and aquatic animals and shall continue to do so prior to any construction. #U14-001 Proposal Figure 9 provides a wildlife map of the project area and #U14-001 Proposal Appendix 1 includes the Environmental Impact Analysis. Please refer to #U14-001 Proposal Section 3.12.6 for more details.

Terrestrial and Aquatic Plant Life may be minimally impacted by this amendment. Most of the plant life encountered along the Gathering System corridors consists of rangeland grasses and dry land crops such as winter wheat. Due to the relatively small footprint of the Gathering System easements, minimal impact to terrestrial and aquatic plant life, including short grass prairie land, is anticipated from any future construction. The Applicant will reclaim any other lands disturbed during construction and will keep equipment within specified easements and along temporary construction roads.

Please refer to #U14-001 Proposal Section 3.12.7 for more details.

Soils, Geological Conditions and Natural Hazards will not be impacted by this amendment. The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant issues with soils, geologic conditions or natural hazards. Farmland soils that are to be crossed by any future construction are dryland/rangeland. Please refer to #U14-001 Proposal Section 3.12.8 for more details.

### **13. The Proposed Project will not cause a nuisance.**

Due to the nature of the Project, *i.e.*, buried pipelines, there will be no potential for causing any nuisance after installation is complete. There will be no dust, fumes, noise, vibration, lighting or odor anticipated after any future construction is completed. During construction, dust will be

controlled by watering roads and other disturbed areas. Although certain heavy equipment is required, noise and fumes will be minimized to the largest extent possible. Please refer to #U14-001 Proposal Section 3.13 for additional information.

**14. The Proposed Project will not significantly degrade areas of paleontological, historic, or archaeological importance.**

This amendment will not significantly degrade areas of paleontological, historic, or archaeological importance. For the original application, Metcalf Archeological Consultants, Inc. conducted a Class I overview for the gathering system project area. This report is included in the #U14-001 Proposal Appendix 2. The project area was searched through the Colorado Office of Archeology and Historic Preservation on-line database, Compass, Government Land Office plats, and aerial images access on GoogleEarth. The results of these searches indicate a total of 19 projects conducted in the region, and 226 cultural resources recorded, including 92 isolated finds and 134 sites. Along the preliminary route of the gathering systems, eight sites that are eligible or potentially eligible for inclusion on the National Register of Historic Places were reported and 15 sites were reported within 300 feet of the preliminary route. Of the eight sites, two are listed as eligible for inclusion on the National Register of Historic Places (NRHP), four are not eligible sites, and two are "needs data" sites. This study was done prior to the gathering system easement alignments being finalized. Therefore, the findings are based on a more conservative overall area of scope. The expansion of the maximum gathering system pipeline easement width (from 75 feet to 100 feet), the inclusion of freshwater pipelines within the corridor, nor the inclusion of multiple types of the same pipeline within the corridor would not impact the results of this study.

In addition to this report done with the original application, the Applicant always hires a third party consultant to inspect a project area prior to any disturbance. The Applicant's consultant shall be on-site prior to the construction process to monitor cultural resources and archaeological conditions. If any issues are noted, proper mitigation techniques shall be implemented. Future pipeline installations/construction within the Gathering System pipeline easements will include an inspection and report of the project area from an expert in the field. If any possible areas of paleontological, historic or archaeological importance are found, mitigation methods would be implemented as recommended by these experts.

**15. The Proposed Project will not result in unreasonable risk of releases of hazardous materials.**

**In making this determination as to such risk, the Board's consideration shall include:**

- a. Plans for compliance with federal and State handling, storage, disposal and transportation requirements.**
- b. Use of waste minimization techniques.**
- c. Adequacy of spill prevention and response plans.**

There are no new hazardous materials that would be included in the gathering system pipeline corridor from this amendment. The pipelines and mitigation methods included in the original application (natural gas, crude oil, produced water, and fiber optic cable), are described in detail in #U14-001 Proposal Section 3.14. The proposed inclusion of freshwater pipelines within the gathering system corridor, as opposed to produced water pipelines, are void of hydrocarbons and naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Freshwater is necessary to facilitate fracking operations. CPRM and the previous operator COP have drilled and completed oil and gas well facilities within the County without trucking freshwater to the sites. Instead, freshwater has been delivered overland in “lay-flat” pipes. This strategy has protected the County’s roadway infrastructure and residents from potential pavement degradation and increased vehicles on the roadway system, from the truck traffic that would otherwise be necessary to transport freshwater to oil and gas wells. Installing this additional infrastructure will provide enhanced roadway safety, reduced emissions, reduced noise and increased longevity along the County roadway system.

Future pipeline installations/construction within the gathering system pipeline easements will be managed and maintained and be performed as outlined in #U14-001 Proposal Section 3.14 in order to mitigate risk. There will be no storage of fuels, lubricants chemicals or waste on the construction right-of-way except on a temporary basis during maintenance or construction activities. Measures to contain or control any spill that may occur and to contact appropriate emergency offices and personnel are formulated and designed in accordance with federal, state, and local requirements.

**16. (Only Applicable to Major Permit Review) The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.**

This amendment and the overall project are not expected to impose direct or indirect losses on industrial, agricultural or recreational resources in Arapahoe County, or to preclude opportunities to develop such resources in the future. However, there would be an indirect benefit by virtue of increased tax revenue to the County. Please refer to #U14-001 Proposal Section 3.16 for additional information.

**17. The Proposed project is the best alternative available based on consideration of need, existing technology, cost, impact and these regulations.**

The proposed narrative amendments are the best alternative available based on consideration of need, existing technology, cost, impact and the 1041 regulations as this amendment seeks to entitle the right to create a more productive pipeline easement, as opposed to creating additional pipeline corridors. A key consideration to the County should be that this amendment is the best alternative when the positive effects on traffic and tax revenues are considered.

**18. The Proposed Project will not unduly degrade the quality or quantity of agricultural activities.**

The amendment will impact some dry land farming areas during future construction activities. Farming operations can continue adjacent to the new facilities. The amendment will not unduly degrade the quality or quantity of agricultural activities as pipelines are buried and allow the continuation of agricultural activities.

**19. Cultural Resources. The Proposed Project will not significantly interfere with the preservation of cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle and the opportunity for solitude in the natural environment.**

This amendment will not significantly interfere with the preservation of cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle and the opportunity for solitude in the natural environment. The rural lifestyle can still be maintained

and farming and ranching operations can continue adjacent to the facilities Metcalf Archeological Consultants, Inc. conducted a Class I overview for the original gathering system project area. There is no construction proposed with this amendment, however any future construction within the Gathering System pipeline easements will attempt to avoid all known sites listed as eligible for inclusion on the National Register of Historic Places. If any known eligible sites would be impacted, the Applicant will mitigate the known eligible site prior to construction and follow the language laid out in #U14-001 Proposal Section 3.14 and #U14-001 Proposal Appendix 2.

**20. Land Use. The Proposed Project will not cause significant degradation of land use patterns in the area around the Proposed Project.**

The original application and this amendment fall under authority and guidance of the Arapahoe County Comprehensive Plan (The Plan). The Plan, updated January 2020, designates the majority of the Project area as "Rural Area." This designation is defined in The Plan as "The County will discourage non-residential uses from occurring in the Rural Area, including uses permitted by special review, unless they are agriculture-related or are public facilities and services ". The Plan further defines a public facility as "Land uses including schools, day care facilities, churches, libraries, jails, recreational centers, airports, hospitals, fairgrounds, utility lines, power substations, fire stations, police/law enforcement stations, government offices, and power energy facilities". Therefore, the Plan indicates that this land use (e.g., power energy facilities) should be suitable for the area proposed. Any width expansions of existing pipeline easements will not have any impact to the proposed land use or impact on land use patterns, as changing the content and width of the easement does not preclude land development. Please refer to #U14-001 Proposal Section 3.7 for more details.

**21. Compliance with Regulations & Fees. The applicant has complied with all applicable provisions of these regulations and has paid all applicable fees.**

Crestone Peak Resources Midstream LLC has complied with all applicable provisions of these regulations and has paid all applicable fees.

## **LAND DEVELOPMENT CODE SECTION 5-3.4.B.1 USR APPROVAL CRITERIA**

**a. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.**

The original application and this amendment fall under authority and guidance of the Arapahoe County Comprehensive Plan (The Plan). The Plan, updated January, 2020, designates the majority of the Project area as "Rural Area." This designation is defined in The Plan as "The County will discourage non-residential uses from occurring in the Rural Area, including uses permitted by special review, unless they are agriculture-related or are public facilities and services ". The Plan further defines a public facility as "Land uses including schools, day care facilities, churches, libraries, jails, recreational centers, airports, hospitals, fairgrounds, utility lines, power substations, fire stations, police/law enforcement stations, government offices, and power energy facilities". Therefore, the Plan indicates that this land use (e.g., power energy facilities) should be suitable for the area proposed. Any width expansions of existing pipeline

easements will not have any impact to the proposed land use or impact on land use patterns, as changing the content and width of the easement does not preclude land development. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue.

This amendment is not anticipated to have any impact on existing and planned infrastructure. This amendment will not require support from any existing or future water or sewer systems and will not have any impact to existing drainage patterns, since the pipeline infrastructure is underground. Impact to local roads will vary day by day for any future construction. To mitigate any potential impacts to local County roads, Traffic Control Plans will be prepared as needed and followed during construction with an emphasis on working around school bus schedules. In addition, CPRM will encourage centralized parking for non-construction vehicles. As with pipeline projects, once construction is complete, traffic associated with the oil and gas operations is reduced, as vehicles that would have trucked materials are off the road. Please refer to #U14-001 Proposal Section 3.17 and 3.18 for more details.

**b. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.**

The Applicant has reviewed the Arapahoe County Comprehensive Plan, updated January 2020, and has found the Project is considered an allowable use within the land use designations. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue. This amendment will not significantly degrade the natural environment.

Air Quality will not be impacted by this amendment. Future pipeline installations/construction would result in intermittent and short-term air pollutant emissions fugitive dust emissions and diesel combustion. To minimize fugitive dust emissions, the Applicant would use water to control dust on access roads and temporarily disturbed areas, as well as will limit speeds to 15 mph for vehicles traveling along disturbed areas. The Applicant will not conduct clearing of areas proposed for disturbance when winds are in excess of 35 mph. Air emissions could occur at increased levels near construction; however, potential impacts would be temporary and occur in isolation. Emissions associated with construction of the proposed gathering system will not cause or substantially contribute to a violation of any applicable ambient air quality standard. Please refer to #U14-001 Proposal Section 3.12.1 for more details.

Visual Quality will not be impacted by this amendment. Visual impacts associated with this amendment would be temporary and short-term associated with construction. Existing ground cover consists primarily of dryland pasture and short-grass prairie. There are no buildings or structures are planned for this amendment. Please refer to #U14-001 Proposal Section 3.12.2 for more details.

Surface Water Quality will not be impacted by this amendment. There is no construction proposed with this amendment, however if any future construction within the Gathering System pipeline easements is planned, a GESC Plan will be submitted to the County for review. Water quality will be maintained during construction through implementation of the GESC Plan, which will employ the Best Management Practices detailed with the State of Colorado and Arapahoe County's Stormwater Management Manual. These BMPs are meant to prevent

sediment runoff from stormwater. With implementation of these measures, impacts to surface water quantity and quality will be minor and short-term. Please refer to #U14-001 Proposal Section 3.12.3 for more details.

Groundwater Quality and Quantity will not be impacted by this amendment. The Applicant will coordinate with private landowners to ensure that groundwater quality is not affected by construction or operation. Groundwater quality could be impacted by spills of fuel during construction and by leaks or breaks in the pipeline. The Applicant will follow measures described in their Product Spill Response and Emergency Plan to reduce potential impacts from spills during construction and operation. Please refer to #U14-001 Proposal Section 3.12.4 for more details.

Wetlands and Riparian Areas will not be impacted by this amendment. Any width expansions of existing pipeline easements will not have any additional impacts to Wetlands and Riparian Areas. All wetlands and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements. Wetlands will be avoided where possible by rerouting of the gathering pipeline or by crossing the wetland with either an HDD or a bored crossing technique. #U14-001 Proposal Figure 6 provides a list of drainage/wetland crossings and #U14-001 Proposal Figure 8 is a floodplain map of the area. Please refer to #U14-001 Proposal Section 3.12.5 for more details.

Terrestrial and Aquatic Animals and Habitat will not be impacted by this amendment. The construction process will be managed to minimize impacts. The Applicant has identified threatened terrestrial and aquatic animals and shall continue to do so prior to any construction. #U14-001 Proposal Figure 9 provides a wildlife map of the project area and #U14-001 Proposal Appendix 1 includes the Environmental Impact Analysis. Please refer to #U14-001 Proposal Section 3.12.6 for more details.

Terrestrial and Aquatic Plant Life may be minimally impacted by this amendment. Most of the plant life encountered along the Gathering System corridors consists of rangeland grasses and dry land crops such as winter wheat. Due to the relatively small footprint of the Gathering System easements, minimal impact to terrestrial and aquatic plant life, including short grass prairie land, is anticipated from any future construction. The Applicant will reclaim any other lands disturbed during construction and will keep equipment within specified easements and along temporary construction roads.

Please refer to #U14-001 Proposal Section 3.12.7 for more details.

Soils, Geological Conditions and Natural Hazards will not be impacted by this amendment. The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant issues with soils, geologic conditions or natural hazards. Farmland soils that are to be crossed by the any future construction are dryland/rangeland. Please refer to #U14-001 Proposal Section 3.12.8 for more details.

**c. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.**

This amendment will not impact the ability for efficient and adequate provision of public services, including but not limited to police, fire, school, park, and libraries. There is no

construction proposed with this amendment, however any future construction within the Gathering System pipeline easements may cause minor traffic delays along to local county roads during construction.

**d. Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.**

This amendment does not propose any infrastructure that would preclude the convenience for the present and future residents of Arapahoe County for appropriate supporting activities, such as employment, housing, leisure-time, and retail centers that are in close proximity to one another. This amendment will benefit the County's economy through the jobs that are created during construction and the increased revenues to local businesses that provide goods and services to the Applicant and its contractors and employees.

**e. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.**

Public health and safety will be adequately protected against natural and man-made hazards as applicable to this amendment. There is no construction proposed with this amendment, however there will be no dust, fumes, noise, vibration, lighting or odor anticipated after any future construction is completed. During construction, dust will be controlled by watering roads and other disturbed areas. Although certain heavy equipment is required, traffic noise and fumes will be minimized to the largest extent possible. There are no airport hazards associated with this amendment.

There are no new hazardous materials that would be included in the gathering system pipeline corridor from this amendment. The pipelines and mitigation methods included in the original application (natural gas, crude oil, produced water, and fiber optic cable), are described in detail in #U14-001 Proposal Section 3.14. The proposed inclusion of freshwater pipelines within the gathering system corridor, as opposed to produced water pipelines, are void of hydrocarbons and naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Future construction within the gathering system pipeline easements will be managed and maintained and be performed as outlined in #U14-001 Proposal Section 3.14 in order to mitigate risk. There will be no storage of fuels, lubricants chemicals or waste on the construction right-of-way except on a temporary basis during maintenance or construction activities. Measures to contain or control any spill that may occur and to contact appropriate emergency offices and personnel are formulated and designed in accordance with federal, state, and local requirements.

Flooding will not be impacted by this amendment. Any width expansions of existing pipeline easements will not have any additional impacts to existing floodplain limits, wetlands or riparian areas. All floodplains, wetlands, and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements. Wetlands will be avoided where possible by rerouting of the gathering pipeline or by crossing the wetland with either an HDD or a bored crossing technique. #U14-001 Proposal Figure 6 provides a list of drainage/wetland crossings and #U14-001 Proposal Figure 8 includes a floodplain map of the area.

**f. Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.**

This amendment does not propose any infrastructure that is intended for public use or access. This amendment will not impact any existing adjacent uses or infrastructure's ability to provide accessibility.

**g. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.**

This amendment will minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements. The Applicant has existing facilities in or near the gathering system corridors and does not anticipate significant issues with soils, geologic conditions, or natural hazards. The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming. These activities will not be impacted by this amendment and can continue. Due to the relatively small footprint of the Gathering System easements, minimal impact to terrestrial and aquatic plant life, including short grass prairie land, is anticipated from any future construction. The Applicant will reclaim any other lands disturbed during construction and will keep equipment within specified easements and along temporary construction roads. Streams, lakes, and other drainage ways will not be impacted by this amendment and any crossings will be done in accordance with U.S. Army Corps of Engineers (USACE) 404 Permit requirements.

**h. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.**

This amendment does not propose any infrastructure or amenities that are intended for public use or access. Visual quality will not be impacted by this amendment. Visual impacts associated with this amendment would be temporary and short-term associated with construction. Existing ground cover consists primarily of dryland pasture and short-grass prairie. There are no buildings or structures planned for this amendment. This amendment is not anticipated to have a direct impact on recreational activities, nor does it provide recreational opportunities. Recreational opportunities are not compromised by the added width or utilities of the easement.

**i. Enhance the useable open spaces in Arapahoe County and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.**

This amendment will not impact the existing usable open spaces in Arapahoe County. This amendment will not prevent any adjacent uses and infrastructure from providing or accommodating recreational areas for County residents and employees.



**ARAPAHOE COUNTY**  
COLORADO'S FIRST

## Public Works and Development

6924 South Lima Street  
Centennial, Colorado 80112-3853  
Phone: 720-874-6500  
Fax: 720-874-6611  
Relay Colorado: 711  
[www.arapahoegov.com](http://www.arapahoegov.com)  
[publicworks@arapahoegov.com](mailto:publicworks@arapahoegov.com)

**BRYAN D. WEIMER, PWLF**  
Director

## Planning Commission's Summary Report

**Date:** May 10, 2022

**To:** Arapahoe County Planning Commission

**Through:** Kathleen Hammer, Planning Division

**Through:** Chuck Haskins, PE  
Engineering Services Division, Manager

**From:** Sue Liu, PE  
Engineering Services Division

**Case name:** **UASI21-003 Bronco Pipeline Company Gathering System Ph 1&2  
USR with 1041**

### Purpose and Recommendation

The purpose of this report is to communicate the Engineering Services Staff findings, comments, and recommendations regarding the land use application(s) identified above.

### Scope/Location:

Crestone Peak Resource, is proposing to amend the approved Use By Special Reviews for Bronco Pipeline Company Gathering System – Phase 1 and Phase 2. The amendment includes the changes to the pipeline size, pipeline easements width, and the total number of the pipeline types.

### Engineering Services Staff has reviewed the land use application(s) and has the following findings and comments:

1. The gathering system crosses First Creek, Woodrat Gulch, Box Elder Creek, West Sand Creek, and the tributaries to these Creeks.
2. A Floodplain Development Permit (FDP) is required for all activities within a County designated floodplain, regardless of impact. Even when it is apparent that there are no adverse impacts to the floodplain, a permit is required for administrative purposes to ensure that the County is aware of the activities within the floodplain and that they have been evaluated for compliance with the County's requirements.



MISSION We serve our community with vital infrastructure and professional government services.

3. A Street Cut and Right-of-Way Use Permit, Grading, Erosion and Sediment Control (GESC) Permit, Floodplain Development Permit, and possible Oversize/Overweight Vehicle Permit will be necessary for this application.
4. Construction activities that disturb one acre or more are required by the Environmental Protection Agency (EPA) to obtain a Construction Stormwater Permit.

Engineering Services Staff is recommending the land use application(s) favorably subject to the following conditions:

1. The applicant agrees to address the Division of Engineering Services' findings, comments, and concerns as identified within the staff report.
2. Obtaining all necessary permits prior to commencing project.



MISSION We serve our community with vital infrastructure and professional government services.

**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)**Planning Division****Referral Routing**

Case Number/Name: UASI21-003 Broncos Pipeline Co Gathering System Ph 1 & 2/ USR with 1041 Permit  
Planner: Kat Hammer – [khammer@arapahoegov.com](mailto:khammer@arapahoegov.com)  
Engineer: Sue Liu – [Sliu@arapahoegov.com](mailto:Sliu@arapahoegov.com)  
Date sent: October 19, 2021  
Date to be returned: November 2, 2021

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	Arapahoe County Road & Bridge Allen Peterson
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)



### Public Works and Development

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)

#### Planning Division

#### Referral Routing

Case Number/Name:	UASI21-003 Broncos Pipeline Co Gathering System Ph 1 & 2/ USR with 1041 Permit
Planner:	Kat Hammer – <a href="mailto:khammer@arapahoegov.com">khammer@arapahoegov.com</a>
Engineer:	Sue Liu – <a href="mailto:Sliu@arapahoegov.com">Sliu@arapahoegov.com</a>
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	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input type="checkbox"/>	I Have NO Comments to make on the case as submitted	
<input checked="" type="checkbox"/>	I Have the following comments to make related to the case:	<u>Jeffrey S. Moore, P.G.</u> Manager, Oil & Gas Division 

**Comments:** (responding by email, letter, or an email attachment is optional)

The City of Aurora, through its Oil & Gas Division, appreciates the opportunity to submit comments on this application. In general, we are supportive of the use of pipelines to transport products, including freshwater, to and from oil and gas operation sites. In addition, we agree with the goals expressed by the applicant of "enhanced roadway safety, reduced emissions, reduced noise and increased longevity along the County roadway system." Pipelines help achieve these goals by reducing truck traffic on roadways.

We are supportive of this application and the changes proposed.

If approved, we would appreciate notification of construction activities from the applicant, as a portion of Hayesmount Road (the west side of Hayesmount Road for 0.84 miles south of Interstate 70) is within the City limits of Aurora.

Thank you for the opportunity to participate in this review process. If you have any questions about these comments, please contact me directly at 303.739.7676 or [jsmoore@auroragov.org](mailto:jsmoore@auroragov.org)

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Planner: Kat Hammer – [khammer@arapahoegov.com](mailto:khammer@arapahoegov.com)  
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	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input type="checkbox"/>	I Have NO Comments to make on the case as submitted	
<input checked="" type="checkbox"/>	I Have the following comments to make related to the case:	<u>Joe Richards, CBO Building Division Manager</u>

**Comments:** Please submit all plans stamped by a Colorado licensed professional for the proper permit. Submit all SDS safety sheets with all tests and certifications of welders and equipment used. All Permit fees apply.



### Public Works and Development

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#### Planning Division

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Case Number/Name:	UASI21-003 Broncos Pipeline Co Gathering System Ph 1 & 2/ USR with 1041 Permit
Planner:	Kat Hammer – <a href="mailto:khammer@arapahoegov.com">khammer@arapahoegov.com</a>
Engineer:	Sue Liu – <a href="mailto:Sliu@arapahoegov.com">Sliu@arapahoegov.com</a>
Date sent:	October 19, 2021
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	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input type="checkbox"/>	I Have NO Comments to make on the case as submitted	
<input type="checkbox"/>	I Have the following comments to make related to the case:	David Dixon CDOT R1 Assistant access Manager <a href="mailto:David.dixon@state.co.us">David.dixon@state.co.us</a> 720-541-0441

**Comments:** (responding by email, letter, or an email attachment is optional)

-I have reviewed the following referral and have no objections.

-If any work touches or crosses over the ROW, a Utility/Special Use Permit will be required:

<https://cdotpermits.force.com/portal/s/login/?ec=302&startURL=%2Fportal%2Fs%2F>

The minimum requirement for the online application is four separate documents:

1. Letter of request, (on letterhead of City or Company) as necessary to:
  - a. document that the owner concurs in the application if the applicant is other than the permittee; and/or
  - b. more fully describe the nature of the proposed work, the status of required clearances
2. Plan and Profile, show CDOT ROW on the plan sheet,
  - a. show distance from the edge of asphalt (EOA) to the CDOT ROW line and to the proposed running line of the new utility. If this request does not require a plan and profile, submit a plan sheet showing the work area.
3. Traffic control plan (TCP)
4. COI, Insurance naming CDOT as an additional insured party
5. Route Number (What State Highway? I-70 is Route number)

**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)**Planning Division****Referral Routing**

AR-22-0009 Amendment to Bronco Pipeline  
Company Gathering System Phases 1 & 2  
USR with 1041 Permit -- freshwater  
pipelines, additional / wider easements,  
clarify number and types of proposed  
utilities within easements

Case Number/Name:	UASI21-003 Broncos Pipeline Co Gathering System Ph 1 & 2/ USR with 1041 Permit
Planner:	Kat Hammer – <a href="mailto:khammer@arapahoegov.com">khammer@arapahoegov.com</a>
Engineer:	Sue Liu – <a href="mailto:Sliu@arapahoegov.com">Sliu@arapahoegov.com</a>
Date sent:	October 19, 2021
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	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	Colorado Geological Survey / Jill Carlson
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)

## Kathleen Hammer

---

**From:** Brooks Kaufman <BKaufman@core.coop>  
**Sent:** Monday, November 01, 2021 7:02 AM  
**To:** Kathleen Hammer; Sue Liu  
**Cc:** Terri Maulik; Michelle Lengyel  
**Subject:** RE: ArapCo Referral - UASI21-003 Broncos Pipeline

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mrs. Hammer

We have received the above-referenced referral request. We have reviewed our records, and find that this property is not in our service territory.

Respectfully

**Brooks Kaufman**  
Lands and Rights of Way Manager

800.332.9540 MAIN  
720.733.5493 DIRECT  
303.912.0765 MOBILE

IREA is now **CORE Electric Cooperative**. Learn more at [www.core.coop](http://www.core.coop).



---

**From:** Kathleen Hammer <KHammer@arapahoegov.com>  
**Sent:** Tuesday, October 19, 2021 2:50 PM  
**To:** Kathleen Hammer <KHammer@arapahoegov.com>; Sue Liu <Sliu@arapahoegov.com>  
**Cc:** Terri Maulik <TMaulik@arapahoegov.com>; Michelle Lengyel <MLengyel@arapahoegov.com>  
**Subject:** ArapCo Referral - UASI21-003 Broncos Pipeline

**CAUTION:**

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Please use the link below to access documents for a proposed changes to the Broncos Pipeline.

ACA Link:

<https://citizenaccess.arapahoegov.com/citizenaccess/urlrouting.ashx?type=1000&Module=Planning&capID1=21CAP&capID2=00000&capID3=003TR&agencycode=Arapahoe>

Once you click on the link, select “Record Info” and then select “attachments” from the drop-down menu.

Please send written comments/questions on the attached referral routing sheet no later than November 2, 2021.

Thank you,  
Kat



**Kat Hammer**

Senior Planner  
Public Works & Development  
6924 S Lima St | Englewood, CO 80112  
O: 720.874.6666  
Arapahoegov.com  
[Facebook](#) | [Twitter](#) | [Instagram](#) | [Nextdoor](#) | [Youtube](#)

Arapahoe County Public Works and Development Offices are open during normal business hours of 8:00 am to 4:30 pm, Monday through Friday; however, appointments are still encouraged.

Many County services can be accessed online and I encourage you to visit our website at <https://www.arapahoegov.com/519/Public-Works-and-Development> to learn more.



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Northeast Regional Office  
6060 Broadway  
Denver, CO 80216  
P 303.291.7227

November 12, 2021

Kat Hammer  
Senior Planner  
Arapahoe County Public Works and Development  
6924 S. Lima Street  
Centennial, CO 80112  
(720) 874-6666 Office

Re: Bronco Pipeline Company Gathering System Phase 1 & 2 Use By Special Review (USR) with 1041 Permit / Installation Construction and Operation of 90 Miles of Oil & Gas Gathering Pipeline / Case Number U13-001 / Record USAI21-003 / Arapahoe County

Kat Hammer:

Thank you for the opportunity to comment on the Bronco Pipeline Company Gathering System Phase 1 & 2 Use by Special Review (USR) with 1041 Permit. The entire project (Phases 1 & 2) includes installation, construction and operation of approximately 90 miles of oil and gas gathering pipeline (not to exceed 14 inches in diameter), consisting of three co-located pipelines to collect crude oil, natural gas and produced water from oil wells operated by the Applicant or operated company. A fiber optic cable installation consisting of three 2-inch polyethylene conduits will also be co-located with the gathering pipelines for automation and communication. All three pipelines will originate from production facilities (well pads) operated by COP or related entity.

The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW has a statutory responsibility to manage all wildlife species in Colorado, and to promote a variety of recreational opportunities throughout Colorado. One way we achieve this goal is by responding to information requests, as is the case for this project.

According the Application Narrative, Phase 1 will include construction of crude oil, natural gas and produced water gathering systems for a portion of the project. During Phase 1 construction, field compressors, pumps and well flow lines will be permitted separately from this Application and constructed as wells are drilled. The Phase 1 gathering system will



deliver products (crude oil and natural gas) and produced water to centralized facilities north of I-70 in Adams County.

The Phase 1 gathering lines and connecting lines will be about 40 miles in total length and are described as Line A, east of Watkins Road - Line B, near Manilla Road corridor - Line C, near Airline Road corridor.

During Phase 2 the Applicant will continue to acquire permanent pipeline easements from private landowners. The Applicant will obtain all other necessary permits and approval from federal, state and local agencies.

There will be no storage of fuels, lubricants, chemicals or waste on the construction or pipeline easement except on a temporary basis during maintenance or construction activities. Measures to contain or control any spill that may occur and to contact appropriate emergency offices and personnel are formulated and designed in accordance with federal, state and local requirements.

Construction Best Management Practices (BMP's) will be utilized and shall reflect the approved GESC Plan. All available topsoil will be conserved through a process known as "double-ditching" which excavates, removes and conserves topsoil where practical. Topsoil will be stockpiled separately from subsoil outside any floodplain areas, and will not be used to pad the trench or construct trench breakers. Trenching will be completed to one side of the construction pipeline easement to be allowed for spoil to be placed opposite of the wider working side.

The contractor will keep wildlife trails open and passable by adding "soft plugs" (areas where the trench is excavated and replaced with minimal compaction) during construction. The riparian (waterbody) crossing of Box Elder Creek will be completed via horizontal directional drill (HDD). The drill will begin, end and be of sufficient depth to ensure that the pipeline does not negatively impact the clay seam layer of the creek and is not subject to the hazard of stream scour during anticipated flood events.

CPW recommends that any and all pipeline crossings be made perpendicular to Box Elder Creek and all other riparian/creek drainages within the project area. This is to ensure minimal contact disturbance to any natural waterways. The pipeline drilling will be made of sufficient depth to ensure that the pipeline does not negatively impact the clay seam layer of any creeks so as to maintain natural stream flow and water infiltration.

The Applicant will obtain necessary USACE 404 Permits. An Army Corps of Engineers (ACOE) Nationwide 14 will be required for flood plains identified on their mapping, including Box Elder Creek.

The main impacts to wildlife from development of this project include habitat loss and fragmentation of wildlife habitat. The site does hold tremendous value as wildlife habitat and provides open space for a wide diversity of wildlife species. CPW would expect to find an assortment of ground-nesting birds, small ground-dwelling mammals, raccoons, fox, coyotes,

pronghorn and deer along with a variety of avian raptor species such as eagles, falcons, owls and hawks using the property for loafing, perching and foraging or simply passing through the area.

According to the Wildlife Mitigation Plan for the Niobrara Gathering System which was prepared by Hayden-Wing Associates LLC (HWA) on behalf of the Applicant, is meant to supplement the assessment provided in the Environmental Impact Analysis (EIA) USR permit application. The purpose of the Wildlife Mitigation Plan is to ensure that the Applicant is in compliance with all federal and state laws protecting wildlife and their habitats and to minimize impacts to sensitive species during construction and operation of the gathering system.

CPW strongly supports the Wildlife Mitigation Plan recommendations for protection of threatened and endangered species as discussed in the Arapahoe USR Permit Application- Environmental Impact Analysis for bald eagles and burrowing owls (state threatened) which have and do occur on, throughout or near the project site. Although the Preble's meadow jumping mouse (federal threatened) has not been observed within the project area, suitable habitat may occur along the riparian corridors and within 300 feet of suitable habitat during hibernation (USFWS 2004).

Other raptors and migratory birds are protected from take, harassment, and nest disruption at both the state and federal levels, and may be present in the proposed project area. CPW recommends that buffer zones around the nest site be implemented during any period of activity that may interfere with the nesting season. Additionally, CPW recommends no surface occupancy within certain buffer zones, which would include the proposed Communication Towers and associated buildings. For information regarding specific buffer zone measurements by species, please visit the following weblink:

<https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>

As prairie dog towns are present at the site, CPW recommends that burrowing owl surveys be conducted. Burrowing owls live on flat, treeless land with short vegetation, and nest underground in burrows dug by prairie dogs, badgers, and foxes. These raptors are classified as a state threatened species and are protected by both state and federal laws, including the Migratory Bird Treaty Act. These laws prohibit the killing or taking of burrowing owls or disturbance of their nests. Therefore, if any earth-moving will occur between March 15st and August 31st a burrowing owl survey should be performed. Guidelines for performing a burrowing owl survey may be obtained from District Wildlife Manager Travis Harris, or by visiting the weblink at

<https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/RecommendedSurveyOwls.pdf>

CPW recommends that an active weed management plan be implemented in accordance with Arapahoe County standards to control and eliminate the spread of any noxious weeds in and around the site. Invasive plants endanger the ecosystem by disturbing natural processes and

jeopardizing the survival of native plants and the wildlife that depend on them. The spread and control of noxious weeds on the site is a concern for wildlife in the immediate and surrounding area. Weeds are defined as "a plant that interferes with management objectives for a given area of land at a given point in time" (Whitson, 1999).

CPW recommends that the planting of any species listed as noxious weeds be avoided throughout the development and surrounding area. The threat is so severe in the United States that scientists now agree that the spread of invasive species is one of the greatest risks to biodiversity (Nature Conservancy, 2003).

Finally, it is important to note that incremental and cumulative loss of natural areas and open space will, over time, significantly degrade the overall quality of wildlife habitat in the area. Although relatively moderate in acreage, it is important to note that the development of Bronco Pipeline Company Gathering System Phase 1 & 2 Use By Special Review (USR) with 1041 Permit contributes to the overall fragmentation and loss of native short grass prairie habitat in Colorado and Arapahoe County.

Thank you again for the opportunity to comment on the proposed development of Bronco Pipeline Company Gathering System Phase 1 & 2 Use By Special Review (USR) with 1041 Permit. Please do not hesitate to contact us again about ways to continue managing the property in order to maximize wildlife value while minimizing potential conflicts. If you have further questions please contact District Wildlife Manager Travis Harris at (303) 915-8444.

Sincerely,



Matt Martinez  
Area Wildlife Manager

Cc: M. Leslie, S.Schaller, T. Harris

**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

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Planner: Kat Hammer – [khammer@arapahoegov.com](mailto:khammer@arapahoegov.com)  
Engineer: Sue Liu – [Sliu@arapahoegov.com](mailto:Sliu@arapahoegov.com)  
Date sent: October 19, 2021  
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	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	<u>Kathleen F. Denzer</u> Crestone Peak Resources Operating LLC
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)

## Kathleen Hammer

---

**From:** Williams - DNR, Joanna <joanna.williams@state.co.us>  
**Sent:** Wednesday, October 20, 2021 10:22 AM  
**To:** Kathleen Hammer  
**Subject:** Re: ArapCo Referral - UASI21-003 Broncos Pipeline

Good Morning Kathleen,  
Our office has no comments on the UASI21-003 Broncos Pipeline. If you have any specific questions for our office please contact me.  
Regards,  
Joanna Williams, P.E.  
Water Resource Engineer



P 303.866.3581 x 8265  
1313 Sherman Street, Room 821, Denver, CO 80203  
[Joanna.Williams@state.co.us](mailto:Joanna.Williams@state.co.us) | [www.colorado.gov/water](http://www.colorado.gov/water)

On Tue, Oct 19, 2021 at 2:53 PM Kathleen Hammer <[KHammer@arapahoegov.com](mailto:KHammer@arapahoegov.com)> wrote:

Hello,

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ACA Link:

<https://citizenaccess.arapahoegov.com/citizenaccess/urlrouting.ashx?type=1000&Module=Planning&capID1=21CAP&capID2=00000&capID3=003TR&agencycode=Arapahoe>

Once you click on the link, select “Record Info” and then select “attachments” from the drop-down menu.

Please send written comments/questions on the attached referral routing sheet no later than November 2 ,2021.

Thank you,

Kat



**Kat Hammer**

Senior Planner

Public Works & Development

6924 S Lima St | Englewood, CO 80112

O: 720.874.6666

[Arapahoegov.com](http://Arapahoegov.com)

[Facebook](#) | [Twitter](#) | [Instagram](#) | [Nextdoor](#) | [Youtube](#)

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Planner:	Kat Hammer – <a href="mailto:khammer@arapahoegov.com">khammer@arapahoegov.com</a>
Engineer:	Sue Liu – <a href="mailto:Sliu@arapahoegov.com">Sliu@arapahoegov.com</a>
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	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	<u>Doug Stern</u> Arapahoe County Road and Bridge
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)

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Planner:	Kat Hammer – <a href="mailto:khammer@arapahoegov.com">khammer@arapahoegov.com</a>
Engineer:	Sue Liu – <a href="mailto:Sliu@arapahoegov.com">Sliu@arapahoegov.com</a>
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<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	<u>Doug Stern</u> Arapahoe County Road and Bridge
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)

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Planner: Kat Hammer – [khammer@arapahoegov.com](mailto:khammer@arapahoegov.com)  
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	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input type="checkbox"/>	I Have NO Comments to make on the case as submitted	<u>No comments</u>
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)

## Kathleen Hammer

---

**From:** Laura Hinds <lhinds@mhfd.org>  
**Sent:** Wednesday, November 03, 2021 4:46 PM  
**To:** Sue Liu; Kathleen Hammer  
**Cc:** Teresa Patterson; Wayne Habenicht  
**Subject:** Re: ArapCo Referral - UASI21-003 Broncos Pipeline

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Sue,  
Thank you for letting us know, and appreciate you keeping us in the loop with the gesc.  
Have a great night,  
Laura

### **Laura Hinds, P.E.**

Project Engineer

### **MILE HIGH FLOOD DISTRICT**

**Office:** 303-455-6277 | **Direct:** 303-929-8342 | [www.mhfd.org](http://www.mhfd.org)

---

**From:** Sue Liu <SLiu@arapahoegov.com>  
**Sent:** Wednesday, November 3, 2021 2:27:15 PM  
**To:** Laura Hinds <lhinds@mhfd.org>; Kathleen Hammer <KHammer@arapahoegov.com>  
**Cc:** Teresa Patterson <tpatterson@mhfd.org>; Wayne Habenicht <WHabenicht@arapahoegov.com>  
**Subject:** RE: ArapCo Referral - UASI21-003 Broncos Pipeline

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Laura,  
We have no construction schedule for the project at this time. The applicant will be required to submit the GESC plan for approval prior to the construction.  
We will let you know when the GESC plan is in for review. Thank you for your inputs.

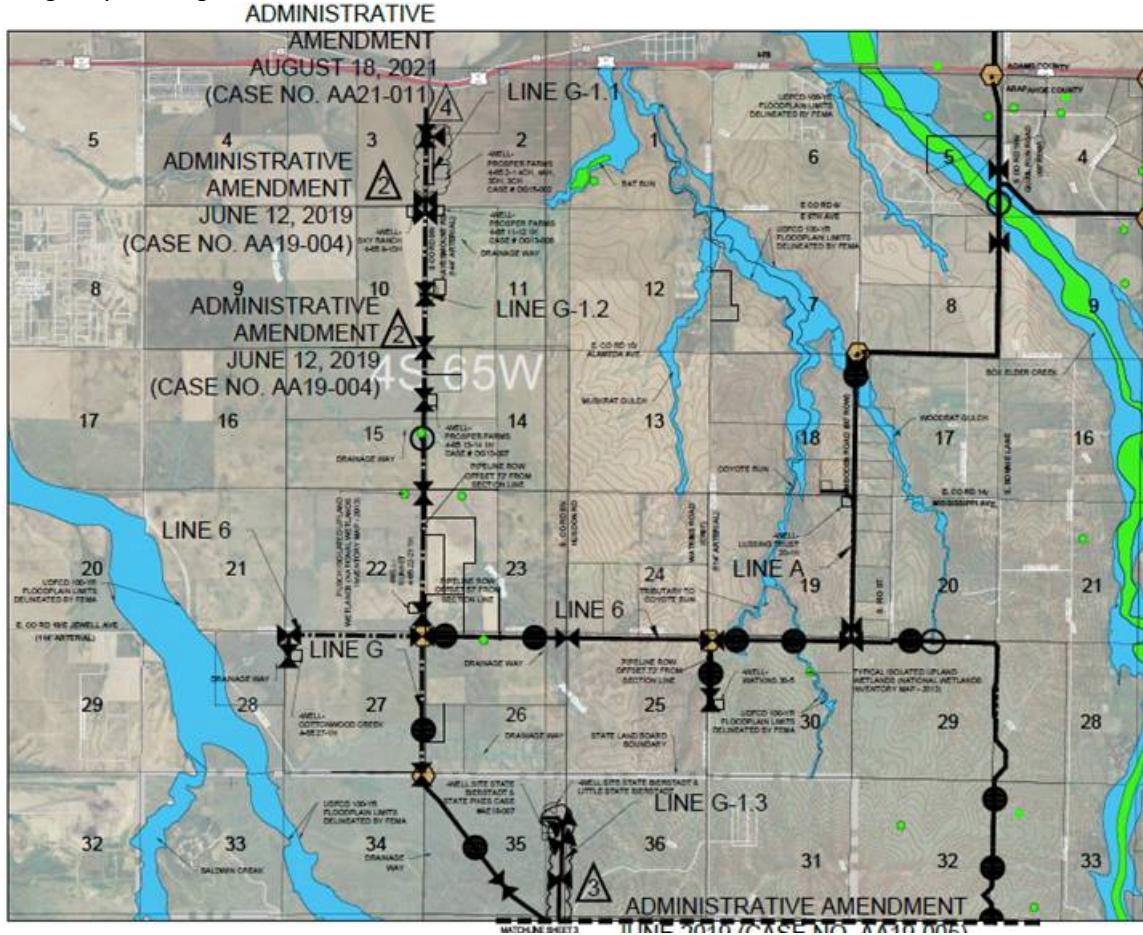
Sue Liu, P.E., CFM  
Arapahoe County  
Public Works and Development  
Engineering Services Division  
6924 South Lima St.  
Centennial, CO 80112  
Phone: 720-874-6546

**From:** Laura Hinds <[lhinds@mhfd.org](mailto:lhinds@mhfd.org)>  
**Sent:** Wednesday, November 3, 2021 2:00 PM  
**To:** Kathleen Hammer <[KHammer@arapahoegov.com](mailto:KHammer@arapahoegov.com)>  
**Cc:** Sue Liu <[SLiu@arapahoegov.com](mailto:SLiu@arapahoegov.com)>; Teresa Patterson <[tpatterson@mhfd.org](mailto:tpatterson@mhfd.org)>  
**Subject:** RE: ArapCo Referral - UASI21-003 Broncos Pipeline

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Kat,

We recently received a referral for the amendment to the **Broncos Pipeline UASI21-003** and apologize for the delay in our response. We have no objection to the area that is currently being amended. However, we have no record of previously receiving this submittal, and there are several other major drainageway crossings along the pipeline. Melanie had previously responded to a similar referral **AA21-011** back in June stating that we would like to be involved during construction of those crossings to observe the revegetation restoration efforts in these areas. Do you know what the anticipated construction schedule will be for these drainageway crossings?



Please do not hesitate to contact us with any questions or to discuss this project further.

Thank you,  
Laura

**Laura Hinds, P.E.**

Project Engineer

**MILE HIGH FLOOD DISTRICT**

2480 W. 26th Ave Suite 156-B | Denver, CO 80211

**Office:** 303-455-6277 | **Direct:** 303-929-8342 | [www.mhfd.org](http://www.mhfd.org)

***Protecting People, Property, and our Environment***



---

**From:** Kathleen Hammer <[KHammer@arapahoegov.com](mailto:KHammer@arapahoegov.com)>

**Sent:** Tuesday, October 19, 2021 2:50 PM

**To:** Kathleen Hammer <[KHammer@arapahoegov.com](mailto:KHammer@arapahoegov.com)>; Sue Liu <[sliu@arapahoegov.com](mailto:sliu@arapahoegov.com)>

**Cc:** Terri Maulik <[TMaulik@arapahoegov.com](mailto:TMaulik@arapahoegov.com)>; Michelle Lengyel <[MLengyel@arapahoegov.com](mailto:MLengyel@arapahoegov.com)>

**Subject:** ArapCo Referral - UASI21-003 Broncos Pipeline

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Please use the link below to access documents for a proposed changes to the Broncos Pipeline.

ACA Link:

<https://citizenaccess.arapahoegov.com/citizenaccess/urlrouting.ashx?type=1000&Module=Planning&capID1=21CAP&capID2=00000&capID3=003TR&agencycode=Arapahoe>

Once you click on the link, select “Record Info” and then select “attachments” from the drop-down menu.

Please send written comments/questions on the attached referral routing sheet no later than November 2, 2021.

Thank you,

Kat



**Kat Hammer**

Senior Planner

Public Works & Development

6924 S Lima St | Englewood, CO 80112

O: 720.874.6666

Arapahoegov.com

[Facebook](#) | [Twitter](#) | [Instagram](#) | [Nextdoor](#) | [Youtube](#)

Arapahoe County Public Works and Development Offices are open during normal business hours of 8:00 am to 4:30 pm, Monday through Friday; however, appointments are still encouraged.

Many County services can be accessed online and I encourage you to visit our website at <https://www.arapahoegov.com/519/Public-Works-and-Development> to learn more.



### Public Works and Development

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

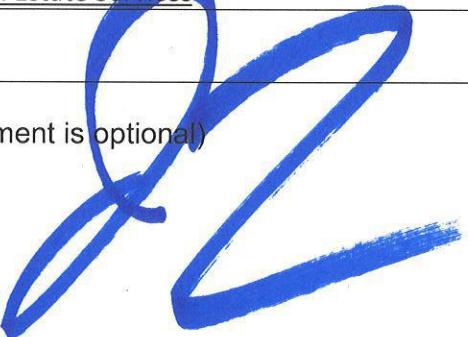
[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)

### Planning Division

### Referral Routing

Case Number/Name: UASI21-003 Broncos Pipeline Co Gathering System Ph 1 & 2/ USR with 1041 Permit  
Planner: Kat Hammer – [khammer@arapahoegov.com](mailto:khammer@arapahoegov.com)  
Engineer: Sue Liu – [Sliu@arapahoegov.com](mailto:Sliu@arapahoegov.com)  
Date sent: October 19, 2021  
Date to be returned: November 2, 2021

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	<u>Jared Larsen – Agent, Phillips 66 Company</u> <u>Real Estate Services</u>
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)

## Kathleen Hammer

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**From:** Tiffany Clark <tclark@semswa.org>  
**Sent:** Monday, October 25, 2021 3:03 PM  
**To:** Kathleen Hammer  
**Cc:** Sue Liu; Ana McCarthy  
**Subject:** RE: ArapCo Referral - UASI21-003 Broncos Pipeline

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kat,

Thank you for the referral. I believe this is an oil and gas project, if so SEMSWA has no comments. Please let me know if I am incorrect on my assumptions. Thank you.

*Thank You.  
Tiffany Clark*

**Tiffany A. Clark, PE, CFM**  
Land Development Manager  
Southeast Metro Stormwater Authority  
7437 South Fairplay Street  
Centennial, CO 80112  
(303) 858-8844  
[tclark@semswa.org](mailto:tclark@semswa.org)

---

**From:** Kathleen Hammer <KHammer@arapahoegov.com>  
**Sent:** Tuesday, October 19, 2021 2:50 PM  
**To:** Kathleen Hammer <KHammer@arapahoegov.com>; Sue Liu <Sliu@arapahoegov.com>  
**Cc:** Terri Maulik <TMaulik@arapahoegov.com>; Michelle Lengyel <MLengyel@arapahoegov.com>  
**Subject:** ArapCo Referral - UASI21-003 Broncos Pipeline

Hello,

Please use the link below to access documents for a proposed changes to the Broncos Pipeline.

ACA Link:

<https://citizenaccess.arapahoegov.com/citizenaccess/urlrouting.ashx?type=1000&Module=Planning&capID1=21CAP&capID2=00000&capID3=003TR&agencycode=Arapahoe>

Once you click on the link, select “Record Info” and then select “attachments” from the drop-down menu.

Please send written comments/questions on the attached referral routing sheet no later than November 2, 2021.

Thank you,  
Kat



**Kat Hammer**

Senior Planner

Public Works & Development

6924 S Lima St | Englewood, CO 80112

O: 720.874.6666

Arapahoegov.com

[Facebook](#) | [Twitter](#) | [Instagram](#) | [Nextdoor](#) | [Youtube](#)

Arapahoe County Public Works and Development Offices are open during normal business hours of 8:00 am to 4:30 pm, Monday through Friday; however, appointments are still encouraged.

Many County services can be accessed online and I encourage you to visit our website at <https://www.arapahoegov.com/519/Public-Works-and-Development> to learn more.



# Bennett-Watkins Fire Rescue

District Office: 303-644-3572 Fax: 303-644-3401  
355 4<sup>th</sup> Street, Bennett, CO 80102  
Email: LifeSafety@BennettFireRescue.org  
*"Striving to Preserve Life and Property"*

October 28<sup>th</sup>, 2021

Kat Hammer  
Senior Planner  
Arapahoe County  
Public Works & Development

Re: UASI21-003 Broncos Pipeline Co Gathering System Ph 1 & 2/ USR with 1041 Permit

Planner Hammer,

In regards to the submission for UASI21-003 Broncos Pipeline Co Gathering System Ph 1 & 2/ USR with 1041 Permit, Bennett-Watkins Fire Rescue (BWFR) has the following comments and considerations:

- BWFR has no specific objections to the proposed amendments.
- The developer shall confer with Bennett Fire Protection District and ensure that the proposed development conforms to adopted (IFC) fire code standards.
- Since it appears that the proposed amendments to the application support the installation of fresh water pipelines, BWFR would like to enter into dialogue with the applicant to determine if fire hydrant access and specific locations could be installed to allow for the use of the fresh-water within the pipeline for emergency firefighting activities. Additional water resources made available to the fire department for emergency response could be a significant regional asset and helps support both existing and future oil and gas development. We are requesting that the applicant contact BWFR to discuss these opportunities further.

Thank You

A handwritten signature in black ink, appearing to read "Caleb J. Connor".

Caleb J. Connor  
Fire Marshal  
Life Safety Division  
Bennett-Watkins Fire Rescue  
303-644-3572 - Headquarters / 720-893-7672 - Direct  
[www.BennettFireRescue.org](http://www.BennettFireRescue.org)



October 29, 2021

Kat Hammer  
Arapahoe County Public Works and Development  
6924 S. Lima Street  
Centennial, CO 80112

RE: Broncos Pipeline, UASI21-002  
TCHD Case No. 7324

Dear Ms. Hammer,

Thank you for the opportunity to review and comment on a use by special review for the addition of a fresh water pipeline to accompany a previously approved produced water pipeline located at along Highway 89 south of I-70. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

#### **Wastewater – Portable Toilets for Onsite Personnel**

Sewage has the potential to carry illness-causing organisms and must be handled properly to avoid spreading disease. The application does not specify the sanitary sewer facilities that will be provided for workers. We anticipate the use of portable toilets. TCHD has no objection to the use of portable toilets, provided the units are properly cleaned and maintained. TCHD recommends that a portable hand sink be provided near the restrooms.

#### **Protection of Above-Ground Valves**

Above-ground valves may be damaged or vandalized once they are installed and placed into use. If above ground values are to be utilized, the applicant should consider methods for ensuring the valve site is secure.

#### **Groundwater Quality Protection**

If the pipeline routes cross over streams and/or wetlands, alluvial groundwater flow could be impacted if trenching intersects the shallow groundwater. If trench dewatering is necessary, the water will be pumped and discharged to alluvia/colluvial sediments close to the stream channel. If discharge of groundwater is necessary during construction, a discharge permit from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division will be necessary.

Broncos Pipeline  
October 29, 2021  
Page 2 of 2

Please feel free to contact me at 720-200-1575 or [kboyer@tchd.org](mailto:kboyer@tchd.org) if you have any questions about TCHD's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Boyer".

Kathy Boyer, REHS  
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Dylan Garrison, TCHD

**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)**Planning Division****Referral Routing**

Case Number/Name: UASI21-003 Broncos Pipeline Co Gathering System Ph 1 & 2/ USR with 1041 Permit  
Planner: Kat Hammer – [khammer@arapahoegov.com](mailto:khammer@arapahoegov.com)  
Engineer: Sue Liu – [Sliu@arapahoegov.com](mailto:Sliu@arapahoegov.com)  
Date sent: October 19, 2021  
Date to be returned: November 2, 2021

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	<b>COMMENTS</b>	<b>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</b>
<input checked="" type="checkbox"/>	I Have NO Comments to make on the case as submitted	Glenn Thompson, Bureau Chief, Arapahoe County Sheriff's Office
<input type="checkbox"/>	I Have the following comments to make related to the case:	

**Comments:** (responding by email, letter, or an email attachment is optional)



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD  
LITTLETON, COLORADO 80128-6901

SUBJECT: Section 404 of the Clean Water Act Initial Comments

To whom it concerns:

In accordance with Section 404 of the Clean Water Act (Section 404), the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent in waters of the United States (WOUS). WOUS may include ephemeral, intermittent and perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches.

In order to determine if a discharge of fill material would occur in a WOUS, we recommend a wetland delineations be conducted in the field by a qualified environmental consultant that identifies any aquatic resource boundaries. A wetlands delineation identifies the aquatic resources and its boundaries on a project site and must be conducted using the methods outlined in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*: (using applicable Regional Supplement). Once the aquatic resources and its boundaries have been identified, the wetland delineation is not official unless verified by the Corps. Please note that the discharge of dredged or fill material into upland areas or non-jurisdictional aquatic resources does not require authorization from this office.

Nationwide Permits (NWP) authorize common types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 54 types of nationwide permit activities and their general conditions can be found on our website: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/>. Some fill activities require a pre-construction notification to the Corps prior to any work. The pre-construction notification requirements are enclosed. Additionally, some types/sizes of work may require additional information or mitigation.

Regional General Permits (RGP) authorize specific types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 4 types of regional general permit activities and their general conditions can be found on our website: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/Regional-General-Permits/>. These fill activities require notification to the Corps prior to starting work, and possibly other local or state agencies. Please note several of the RGP's are applicant and location specific.

Individual permits authorize fill activities that are not covered under the NWP or RGP. This permit will be processed through the public interest review procedures, including public notice and receipt of comments. An alternative analysis must be provided with this permit action. The alternative analysis must contain an evaluation of environmental impacts for a range of alternatives. Other action alternatives should include other practicable alternatives (with regards to cost, logistics, and technology) that meet the overall project purpose. The alternatives could include offsite alternatives and alternative designs. When evaluating individual permit applications, the Corps can only issue a permit for the least environmentally damaging practicable alternative (LEDPA). In some cases, the LEDPA may not be the applicant's preferred action. The individual permit application form and form instructions can be found

on our website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>.

If the activity requires a Department of the Army permit as a result of any impacts to WOUS or any earth disturbances within that resource, a federal action will occur. For the Corps to make a permit decision, the applicant must provide enough information to demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA).

The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to WOUS to the maximum extent practicable at the project site. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic site are minimal. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

If the information that was submitted could impact WOUS, which are jurisdictional resources, this office should be notified. If a section 404 permit is required, work in an aquatic site should be identified by the proponent of the project and be shown on a map identifying the Quarter Section, Township, Range and County, Latitude and Longitude, Decimal Degrees (example: 39.555555; -104.555555) and the dimensions of work in each aquatic site.

If there are any questions, please call the Denver Regulatory Office at 303-979-4120.

Sincerely,



Kiel Downing  
Chief, Denver Regulatory Office

Enclosure



## Pre-Construction Notification (PCN) Requirements

(Nationwide Permit General Condition No. 32  
from the January 6, 2017 Federal Register)

**US Army Corps of Engineers, Omaha District, Denver Regulatory Office**  
**9307 South Wadsworth Blvd, Littleton, CO 80128**  
**Phone: (303) 979-4120**

### **Contents of Pre-Construction Notification:**

The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) Identify the specific NWP or NWP(s) the prospective permittee want to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

- (7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;
- (8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;
- (9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and
- (10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571. 3284  
donna.l.george@xcelenergy.com

November 16, 2021

Arapahoe County Public Works and Development  
6924 South Lima Street  
Centennial, CO 80112

Attn: Kat Hammer

**Re: Broncos Pipeline, Case # UASI21-003**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has determined **there is a potential conflict** with the above captioned project. Within the Phase 1 area, PSCo has multiple existing electric transmission lines and associated land rights as shown within this property. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require PSCo approval. Encroachments across PSCo's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a PSCo License Agreement to be executed with the property owner. PSCo is requesting that, prior to any final approval of the development plan, it is the responsibility of the property owner/developer/contractor to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement via either website at [www.xcelenergy.com/rightofway](http://www.xcelenergy.com/rightofway) or email at [coloradorightofway@xcelenergy.com](mailto:coloradorightofway@xcelenergy.com)).

Within the Phase 1 area, PSCo has existing overhead electric distribution facilities along East Quincy Avenue, and an underground electric distribution line crossing the pipeline route south of 34501 East Quincy Avenue.

If the project area within Phase 2 is correctly understood, PSCo has existing underground electric distribution facilities in the area.

Should the project require any modification to existing distribution facilities, the property owner/developer/contractor must complete the application process via [xcelenergy.com/InstallAndConnect](http://xcelenergy.com/InstallAndConnect).

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 to have all utilities located prior to any construction.

Donna George  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: [donna.l.george@xcelenergy.com](mailto:donna.l.george@xcelenergy.com)

March 1, 2022

Arapahoe County Planning Division  
6924 South Lima Street  
Centennial, CO 80112

**RE: Letter of Intent**  
**Crestone Peak Resources Midstream 1041 Major Amendment**  
**Amendment #5 to "Bronco Pipeline Company Gathering System – Phase 1 Use by Special Review Plan"**  
**Arapahoe County Case No. UASI21-003**  
**Arapahoe County, CO**

To Whom it May Concern:

On behalf of the applicant, Crestone Peak Resources Midstream (CPRM), Westwood Professional Services, Inc. (Westwood), formerly known as CVL a Westwood Team and CVL Consultants of Colorado, Inc., respectfully requests an amendment to the aforementioned Use by Special Review (USR) for the below changes.

This proposed amendment to the Bronco Pipeline Company Gathering System – Phase 1 Use by Special Review (USR) Plan narrative assigned with Arapahoe County Case No. U13-001 aims to clarify and adjust the USR/1041 narrative for future gathering system installation projects. This includes allowing for freshwater pipelines to be installed within the pipeline easements, clarifying that the water pipelines (produced water or freshwater) may be larger than 14 inches in diameter, pipeline easement widths obtained from landowners may be up to 100 feet wide, and that the pipeline easements may have multiple types of utilities within the easements. Each of these amendments are described in further detail below. There are no additions or changes to the gathering system alignment proposed with this amendment. There is no pipeline installation or land disturbance anticipated at this time. Once construction is planned within any existing easements on the USR, a GESC Plan will be submitted to Arapahoe County for review. If any additions or changes to the gathering system alignments are proposed in the future, an amendment will be required to the USR.

#### AMENDMENT ITEM 1

Per the Section 1.1 Project Description of the approved USR, only produced water pipelines were originally contemplated. The proposed amendment seeks to obtain entitlements for freshwater pipelines as well. Freshwater pipelines, as opposed to produced water pipelines, are void of hydrocarbons, naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Freshwater is necessary to facilitate fracking operations. CPRM and the previous operator ConocoPhillips Company (COP) have drilled and completed all the oil and gas well facilities within Arapahoe County (County) without trucking freshwater to the sites. Instead, freshwater has been delivered overland in "lay-flat" pipes. This strategy has protected the County's roadway infrastructure and residents from potential pavement degradation and from increased vehicles on the roadway system, from the truck traffic that would otherwise be necessary to transport freshwater to oil and gas wells. Installing this additional infrastructure will provide enhanced roadway safety, reduced emissions, reduced noise, and increased longevity along the County roadway system.

Section 1.1 also states that pipelines shall “not exceed 14 inches in diameter”. This proposed amendment plans to clarify that this stated pipe diameter is relative to hydrocarbon, i.e., crude oil and natural gas pipelines, since watermains, whether freshwater or produced water, are typically larger. The maximum size for the watermains is 24 inches in diameter.

#### AMENDMENT ITEM 2

Beginning in Section 1.1 and reiterated throughout the USR narrative and plan sheets, a seventy five foot permanent easement and a twenty-five foot temporary construction easement is contemplated. In some instances, additional easement width is required. The applicant has secured from landowners' permanent easement widths up to 100 feet. This amendment seeks to address this existing discrepancy as well.

#### AMENDMENT ITEM 3

Section 2.1.1 references “permits and approvals for installation of three (3) co-located gathering pipelines and a fiber optic cable installation”. This amendment seeks to clarify that these are the four types (and now five with the introduction of the freshwater pipeline) of utilities proposed within the entitled easements. In some instances, the applicant may have one of each type, or two of another (such as oil or gas) and less than another (such as the waterlines). The absolute total number of pipelines are as follows, a maximum of nine total lines, with one for fresh water, three for natural gas, one for produced water, three for crude oil and one telecommunications pipe that consists of three telecommunications lines in one pipe sleeve. The separation between the pipelines is typically ten feet.

Sincerely,  
**Westwood Professional Services, Inc.**



Melinda E. Lundquist, P.E.  
*Director of Private Development*

cc: Nancy Floyd, Crestone Peak Resources Midstream

# BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 1 USE BY SPECIAL REVIEW PLAN, AMENDMENT NO. 5

LOCATED IN SECTIONS 1, 3-5, 7-8, 10, 12, 15, 18-19, 22, 26-30, 33, AND 35-36 OF T4S, R64W,  
SECTIONS 7, 18, 19, AND 30 OF T4S, R63W, SECTIONS 1-4, 7-9, 11-12, 14, AND 23 OF T5S, R64W,  
SECTION 12 OF T5S, R65W OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO

## ARAPAHOE COUNTY PERMANENT DRILL SEEDING MIX

SPECIES	VARIETY	NOTES	%SEED MIX	PLS#/AC
BIG BLUESTEM	KAW	PNWS	12.5	1.4
YELLOW INDIANGRASS	CHEYENNE	PNWS	12.5	0.2
SWITCHGRASS	BLACKWELL	PNWS	12.5	0.5
SIDEOATS GRAMA	VAUGHN	PNWB	12.5	1.1
WESTERN WHEATGRASS	ARRIBA	PNCS	12.5	2.0
BLUE GRAMA	HACHITA	PNWS	12.5	0.4
PRAIRIE SANDREED	GOSHEN	PNWS	12.5	0.9
GREEN NEEDLEGRASS	LODORM	PNCB	12.5	1.2

## ARAPAHOE COUNTY TEMPORARY DRILL SEEDING MIX

SPECIES	VARIETY	NOTES	%SEED MIX	PLS#/AC
SMOOTH BROMEGRASS	LINCOLN	PICS	33	4.3
INTERMEDIATE WHEATGRASS	OAHE	PICS	33	4.9
PUBESCENT WHEATGRASS	LUNA	PICS	33	4.6

## ARAPAHOE COUNTY LOW-GROWTH DRILL SEEDING MIX

SPECIES	VARIETY	NOTES	%SEED MIX	PLS#/AC
BUFFALOGRASS	TEXOKA	PNWS	20	3.2
BLUE GRAMA	HACHITA	PNWB	20	0.6
WESTERN WHEATGRASS	ARRIBA	PNCS	20	3.2
SIDEOATS GRAMA	VAUGHN	PNWB	20	1.8
YELLOW INDIAN GRASS	CRITANA	PNCS	20	2.0

## BOARD OF COUNTY COMMISSIONERS APPROVAL

APPROVED BY THE ARAPAHOE COUNTY BOARD OF COMMISSIONERS, THIS \_\_\_\_ DAY OF \_\_\_\_ A.D., 20\_\_\_\_

CHAIR: \_\_\_\_\_

ATTEST: \_\_\_\_\_

## PLANNING COMMISSION APPROVAL

APPROVED BY THE ARAPAHOE COUNTY PLANNING COMMISSION ON THIS \_\_\_\_ DAY OF \_\_\_\_ A.D., 20\_\_\_\_

CHAIR: \_\_\_\_\_

## AMENDMENT HISTORY

ALL OTHER ORIGINAL TERMS, CONDITIONS AND NOTES OF THE PREVIOUSLY APPROVED USR AND AMENDMENTS WILL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY EXECUTED BY OWNER AND ARAPAHOE COUNTY.

THIS MAJOR AMENDMENT TO THE USE BY SPECIAL REVIEW FOR BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 1 - AMENDMENT NO.5, UAS121-003 SETS FORTH THE FOLLOWING CHANGES AS DESCRIBED: MAJOR AMENDMENT AMENDING THE TYPICAL PIPELINE CROSS SECTION TO REFLECT THE CHANGES MADE TO THE USE BY SPECIAL REVIEW PERMIT APPLICATION .

THE PREVIOUSLY APPROVED U13-001, TA14-006, TA14-008, AA18-003 AND AA19-007 RELATED TO THE USE BY SPECIAL REVIEW PLAN FOR BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 1 ARE AS FOLLOWS:

U13-001 - BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 1 USE BY SPECIAL REVIEW. APPROVED JUNE 18, 2013 FOR PHASE 1 PETROLEUM GATHERING SYSTEM.

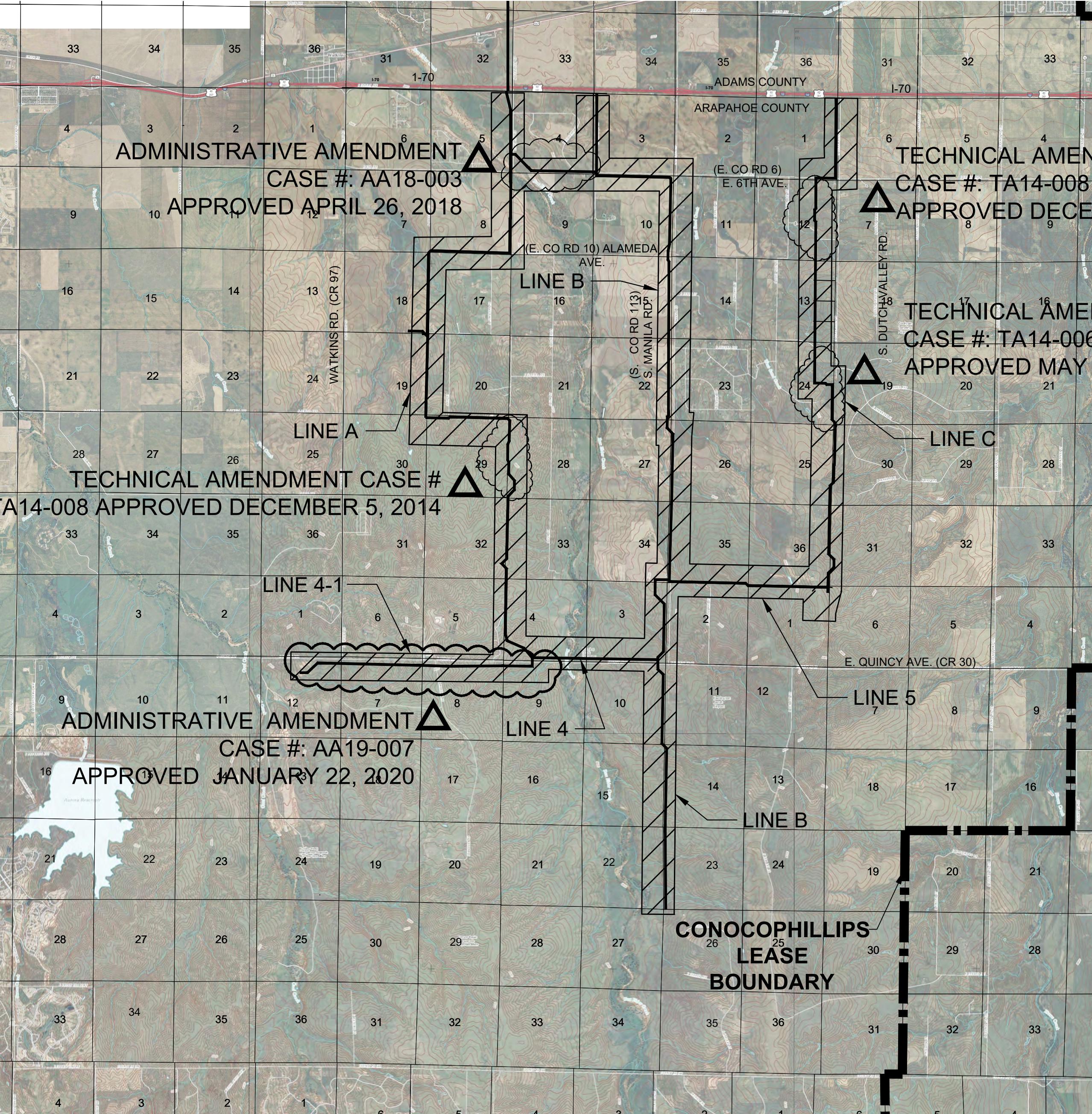
TA14-006 - TECHNICAL AMENDMENT FOR MINOR REALIGNMENT ON LINE "C" OF BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 1. APPROVED MAY 1, 2014.

TA14-008 - TECHNICAL AMENDMENT FOR MINOR REALIGNMENT ON LINES "A" AND "C" OF BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 1. APPROVED DECEMBER 5, 2014.

AA18-003 - ADMINISTRATIVE AMENDMENT FOR ADDITIONAL PIPELINE EAST OF SPINE "A" OF BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 1. APPROVED APRIL 26, 2018.

AA19-007 - ADMINISTRATIVE AMENDMENT FOR THE ADDITION OF LINE "4-1" OF BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 1. APPROVED JANUARY 22, 2020

ARAPAHOE COUNTY CASE NUMBER: U13-001, TA14-006, TA14-008, AA18-003, AA19-007, UAS121-003



## VICINITY MAP

SCALE: 1" = 1 MILE

## SHEET INDEX

1. TITLE SHEET
2. EXISTING TOPOGRAPHY, FLOODPLAIN & WETLANDS (NORTH)
3. EXISTING TOPOGRAPHY, FLOODPLAIN & WETLANDS (SOUTH)
4. ZONING AND OWNERSHIP (NORTH)
5. ZONING AND OWNERSHIP (SOUTH)

No. Revisions

## GENERAL CONSTRUCTION NOTES:

1. THE SITE PLAN, EQUIPMENT AND INFORMATION SHOWN HEREIN ARE FOR REFERENCE ONLY AND ARE NOT INTENDED TO BE USED FOR CONSTRUCTION. ENGINEERED CONSTRUCTION DRAWINGS RELATIVE TO THIS SITE WILL BE SUBMITTED AND APPROVED FOLLOWING ALL APPLICABLE ARAPAHOE COUNTY STANDARDS AND PROCEDURES.
2. IMAGES SHOWN HERE ARE REPRESENTATIVE OF TYPICAL EQUIPMENT FOR A PIPELINE. ACTUAL EQUIPMENT MAY VARY SLIGHTLY IN SIZE AND/OR COLOR.
3. CONSTRUCTION IS SCHEDULED TO COMMENCE IN JUNE 2013 AND CONCLUDE IN OCTOBER 2013. THE PRIORITY IS LINE A. THREE OR MORE CREWS ARE PLANNED TO BE CONSTRUCTING THE PHASE 1 PIPELINE CONCURRENTLY, WORKING DAYLIGHT HOURS, UP TO 7 DAYS PER WEEK.
4. PER ARAPAHOE COUNTY GESC STANDARD NOTES AND DETAILS, THE SEED MIX WILL BE APPLIED.

## RIGHTS OF WAY:

ACCORDING TO THE ARAPAHOE COUNTY TRANSPORTATION MASTER PLAN DATED NOVEMBER 2010, THE ULTIMATE RIGHT-OF-WAY FOR WATKINS ROAD, E. QUINCY AVENUE, S. MANILLA ROAD, AND E. 6TH AVENUE WILL BE 14' RURAL ARTERIALS. IMBODEN ROAD, QUAIL RUN ROAD, AND SCHUMAKER ROAD WILL BE 60' SECONDARY RURAL ROADS. THE PROPOSED PIPELINE EASEMENTS WILL BE OUTSIDE THOSE EXISTING/FUTURE RESERVED COUNTY RIGHTS OF WAY.

## CERTIFICATE OF OWNERSHIP

I HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PIPELINE EASEMENT PROPERTY DESCRIBED HEREIN, KNOWN AS BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 1 AMENDMENT NO. 5, CASE NO. UAS121-003.

OWNER OF RECORD OR AUTHORIZED AGENT DATE

STATE OF \_\_\_\_\_ S.S.  
COUNTY OF \_\_\_\_\_

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF  
\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_

AS \_\_\_\_\_ OF \_\_\_\_\_ AN AUTHORIZED SIGNATORY,  
BY \_\_\_\_\_ NOTARY PUBLIC WITNESS MY HAND AND SEAL

NOTARY I.D. NUMBER \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

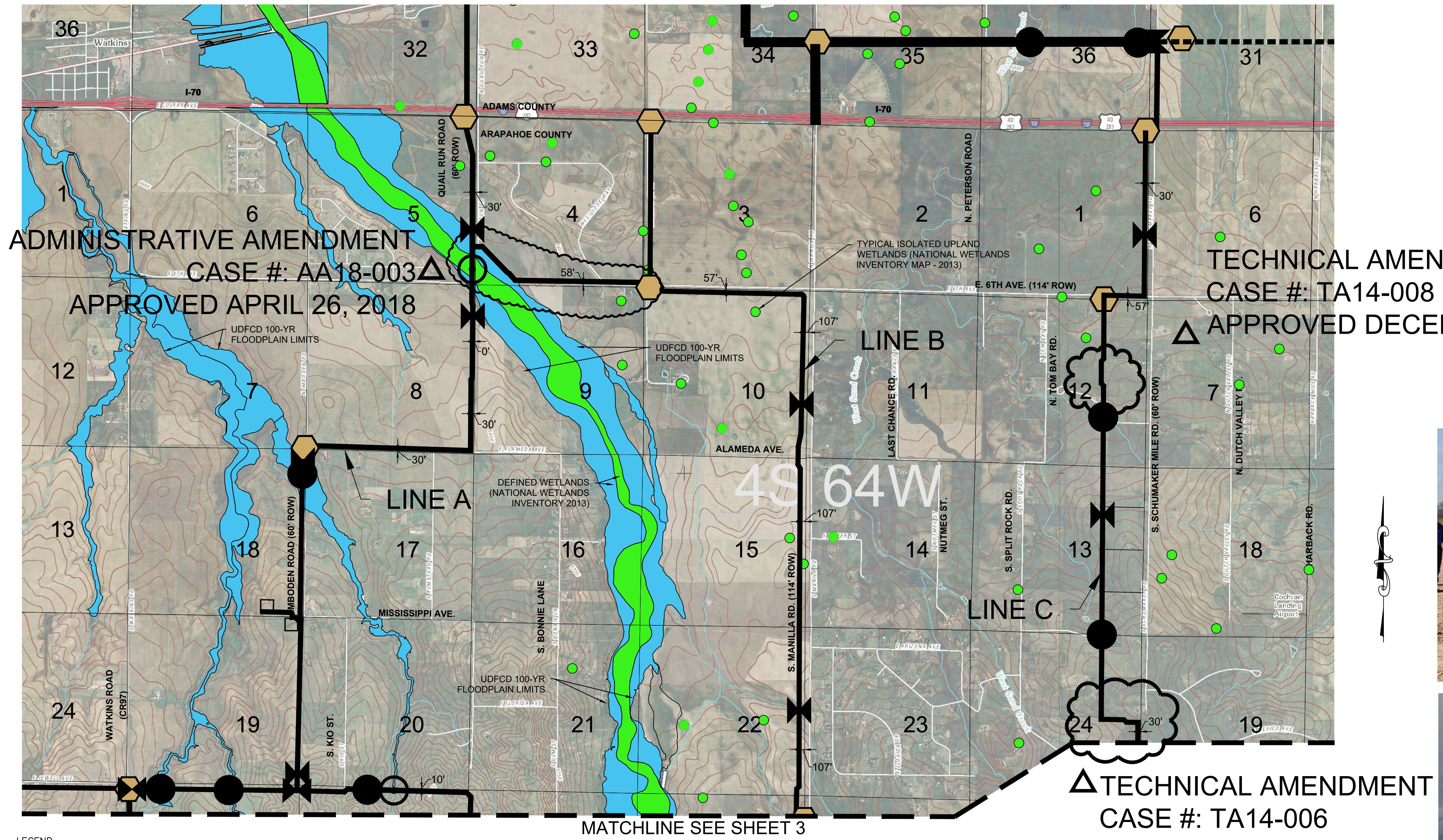
BENCHMARK  
BENCHMARK 374 LOCATED ON THE SECTION LINE  
BETWEEN SECTIONS 12 AND 13, T5S, R64W, 6TH  
P.M., TAKEN FROM 1988 PUBLISHED DATUM BY THE  
UNITED STATES DEPARTMENT OF THE INTERIOR,  
GEOLOGICAL SURVEY AS BEING 6054.61 FEET.



SHEET NUMBER	SCALE:	SCL	DRAWN BY:	MEL	CHECKED BY:	FILE NO:	DATE:
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36	1:640,000						2014-02-13

BRONCO PIPELINE COMPANY  
GATHERING SYSTEM - PHASE 1  
USE BY SPECIAL REVIEW PLAN, AMENDMENT NO. 5

LOCATED IN SECTIONS 1, 3-5, 7-8, 10, 12, 15, 18-19, 22, 26-30, 33, AND 35-36 OF T4S, R64W,  
SECTIONS 7, 18, 19, AND 30 OF T4S, R63W, SECTIONS 1-4, 7-9, 11-12, 14, AND 23 OF T5S, R64W,  
SECTION 12 OF T5S, R65W OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO



## VALVE SITE EXAMPLES

CENTERLINE OF ALIGNMENT  
DEPICTED IN PLAN VIEW

TYPICAL PIPELINE EASEMENT SECTION  
NTS

TEMPORARY CONSTRUCTION EASEMENT

PIPELINE EASEMENT

TEMPORARY CONSTRUCTION EASEMENT

25'      VARIES, TYPICALLY, 50', 75', OR 100'      25'

12" DIA GAS STEEL PIPELINE

8" DIA OIL STEEL PIPELINE

4" DIA PRODUCED WATER PIPELINE

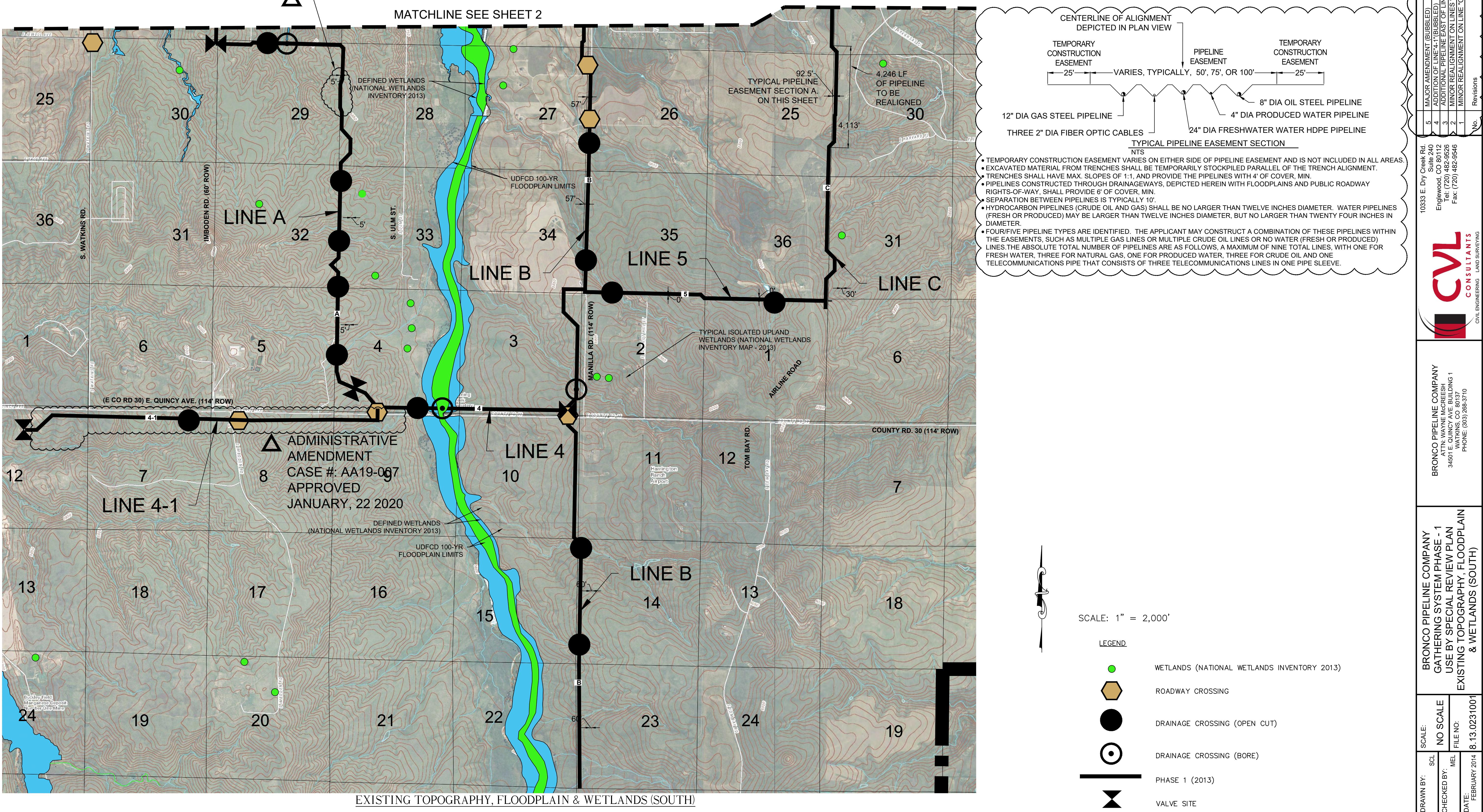
24" DIA FRESHWATER WATER HDPE PIPELINE

THREE 2" DIA FIBER OPTIC CABLES

BRONCO PIPELINE COMPANY  
GATHERING SYSTEM - PHASE 1  
USE BY SPECIAL REVIEW PLAN, AMENDMENT NO. 5

**TECHNICAL AMENDMENT CASE #: TA14-0  
APPROVED DECEMBER 5, 2014**

LOCATED IN SECTIONS 1, 3-5, 7-8, 10, 12, 15, 18-19, 22, 26-30, 33, AND 35-36 OF T4S, R64W,  
SECTIONS 7, 18, 19, AND 30 OF T4S, R63W, SECTIONS 1-4, 7-9, 11-12, 14, AND 23 OF T5S, R64W,  
SECTION 12 OF T5S, R65W OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO



March 1, 2022

Arapahoe County Planning Division  
6924 South Lima Street  
Centennial, CO 80112

**RE: Letter of Intent**  
**Crestone Peak Resources Midstream 1041 Major Amendment**  
**Amendment #5 to “Bronco Pipeline Company Gathering System – Phase 2 (Lines 6, F & G) Use by Special Review Plan”**  
**Arapahoe County Case No. UASI21-003**  
**Arapahoe County, CO**

To Whom it May Concern:

On behalf of the applicant, Crestone Peak Resources Midstream (CPRM), Westwood Professional Services, Inc. (Westwood), formerly known as CVL a Westwood Team and CVL Consultants of Colorado, Inc., respectfully requests an amendment to the aforementioned Use by Special Review (USR) for the following changes.

This proposed amendment to the Bronco Pipeline Company Gathering System – Phase 2 (Lines 6, F & G) Use by Special Review (USR) Plan narrative assigned with Arapahoe County Case No. U14-001 aims to clarify and adjust the USR/1041 narrative for future gathering system installation projects. This includes allowing for freshwater pipelines to be installed within the pipeline easements, clarifying that the water pipelines (produced water or freshwater) may be larger than 14 inches in diameter, pipeline easement widths obtained from landowners may be up to 100 feet wide, and that the pipeline easements may have multiple types of utilities within the easements. Each of these amendments are described in further detail below. There are no additions or changes to the gathering system alignment proposed with this amendment. There is no pipeline installation or land disturbance anticipated at this time. Once construction is planned within any existing easements on the USR, a GESC Plan will be submitted to Arapahoe County for review. If any additions or changes to the gathering system alignments are proposed in the future, an amendment will be required to the USR.

#### AMENDMENT ITEM 1

Per the Section 1.1 Project Description of the approved USR, only produced water pipelines were originally contemplated. The proposed amendment seeks to obtain entitlements for freshwater pipelines as well. Freshwater pipelines, as opposed to produced water pipelines, are void of hydrocarbons, naturally occurring salts and sediments that may be present in produced water pipelines. There are no public health or safety concerns associated with the conveyance of freshwater.

Freshwater is necessary to facilitate fracking operations. CPRM and the previous operator ConocoPhillips Company (COP) have drilled and completed all the oil and gas well facilities within Arapahoe County (County) without trucking freshwater to the sites. Instead, freshwater has been delivered overland in “lay-flat” pipes. This strategy has protected the County’s roadway infrastructure and residents from potential pavement degradation and from increased vehicles on the roadway system, from the truck traffic that would otherwise be necessary to transport freshwater to oil and gas wells. Installing this additional infrastructure will provide enhanced roadway safety, reduced emissions, reduced noise and increased longevity along the County roadway system.

Section 1.1 also states that pipelines shall “not exceed 12 inches in diameter”. This proposed amendment plans to clarify that this stated pipe diameter is relative to hydrocarbon, i.e., crude oil and natural gas pipelines, since watermains, whether freshwater or produced water, are typically larger. The maximum size for the watermains is 24 inches in diameter.

#### AMENDMENT ITEM 2

Beginning in Section 1.1 and reiterated throughout the USR narrative and plan sheets, a fifty foot permanent easement and a twenty-five foot temporary construction easement is contemplated. In some instances, additional easement width is required. The applicant has secured from landowners' permanent easement widths up to 100 feet. This amendment seeks to address this existing discrepancy as well.

#### AMENDMENT ITEM 3

Section 2.1.1 references “permits and approvals for installation of three (3) co-located gathering pipelines and a fiber optic cable installation”. This amendment seeks to clarify that these are the four types (and now five with the introduction of the freshwater pipeline) of utilities proposed within the entitled easements. In some instances, the applicant may have one of each type, or two of another (such as oil or gas) and less than another (such as the waterlines). The absolute total number of pipelines are as follows, a maximum of nine total lines, with one for fresh water, three for natural gas, one for produced water, three for crude oil and one telecommunications pipe that consists of three telecommunications lines in one pipe sleeve. The separation between the pipelines is typically ten feet.

Sincerely,  
**Westwood Professional Services, Inc.**



Melinda E. Lundquist, P.E.  
*Director of Private Development*

cc: Nancy Floyd, Crestone Peak Resources Midstream

BRONCO PIPELINE COMPANY  
GATHERING SYSTEM - PHASE 2 (LINES 6, F & G)  
USE BY SPECIAL REVIEW PLAN, AMENDMENT NO. 5

LOCATED IN SECTIONS 19 AND 30 OF T4S, R64W, SECTIONS 2, 10, 11, 14, 23-26, 34 AND 35 OF T4S, R65W, SECTIONS 4, 5, 8, 9, 17-20  
AND 29-33 OF T5S, R64W, SECTIONS 1, 2, 12, 13, 19, 24, 25, 30 AND 36 OF T5S. R65W OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF  
ARAPAHOE, STATE OF COLORADO

-ARAPAHOE COUNTY PERMANENT DRILL SEEDING MIX				
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PUBESCENT WHEATGRASS	LUNA	PICS	33	4.6
-ARAPAHOE COUNTY LOW-GROWTH DRILL SEEDING MIX				
SPECIES	VARIETY	NOTES	%SEED MIX	PLS#/AC
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SIDEOATS GRAMA	VAUGHN	PNWB	20	1.8
YELLOW INDIAN GRASS	CRITANA	PNCS	20	2.0

## BOARD OF COUNTY COMMISSIONERS APPROVAL

APPROVED BY THE ARAPAHOE COUNTY BOARD OF COMMISSIONERS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_

**CHAIR:**

ATTEST:

## PLANNING COMMISSION APPROVAL

APPROVED BY THE ARAPAHOE COUNTY PLANNING COMMISSION ON THIS DAY OF A.D., 20

#### CHAIR:

## AMENDMENT HISTORY

ALL OTHER ORIGINAL TERMS, CONDITIONS AND NOTES OF THE PREVIOUSLY APPROVED USR AND AMENDMENTS WILL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY EXECUTED BY OWNER AND ARAPAHOE COUNTY.

THIS MAJOR AMENDMENT TO THE USE BY SPECIAL REVIEW FOR BRONCO PIPELINE COMPANY GATHERING SYSTEM PHASE 2 (LINES 6, F & G), AMENDMENT NO. 5, UASI21-003 SETS FORTH THE FOLLOWING CHANGES AS DESCRIBED:MAJOR AMENDMENT AMENDING THE TYPICAL PIPELINE CROSS SECTION TO REFLECT THE CHANGES MADE TO THE USE BY SPECIAL REVIEW PERMIT APPLICATION .

THE PREVIOUSLY APPROVED U14-001, TA14-012, AA19-004, AA19-005, AND AA21-011 RELATED TO THE USE BY SPECI  
REVIEW PLAN FOR BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 2 (LINES 6, F & G) ARE AS FOLLOWS:

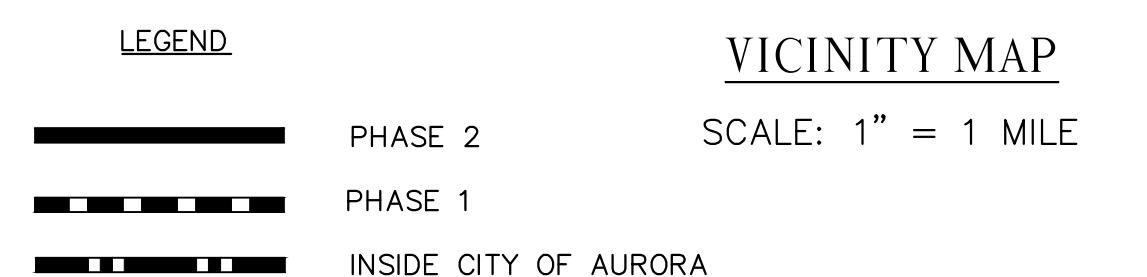
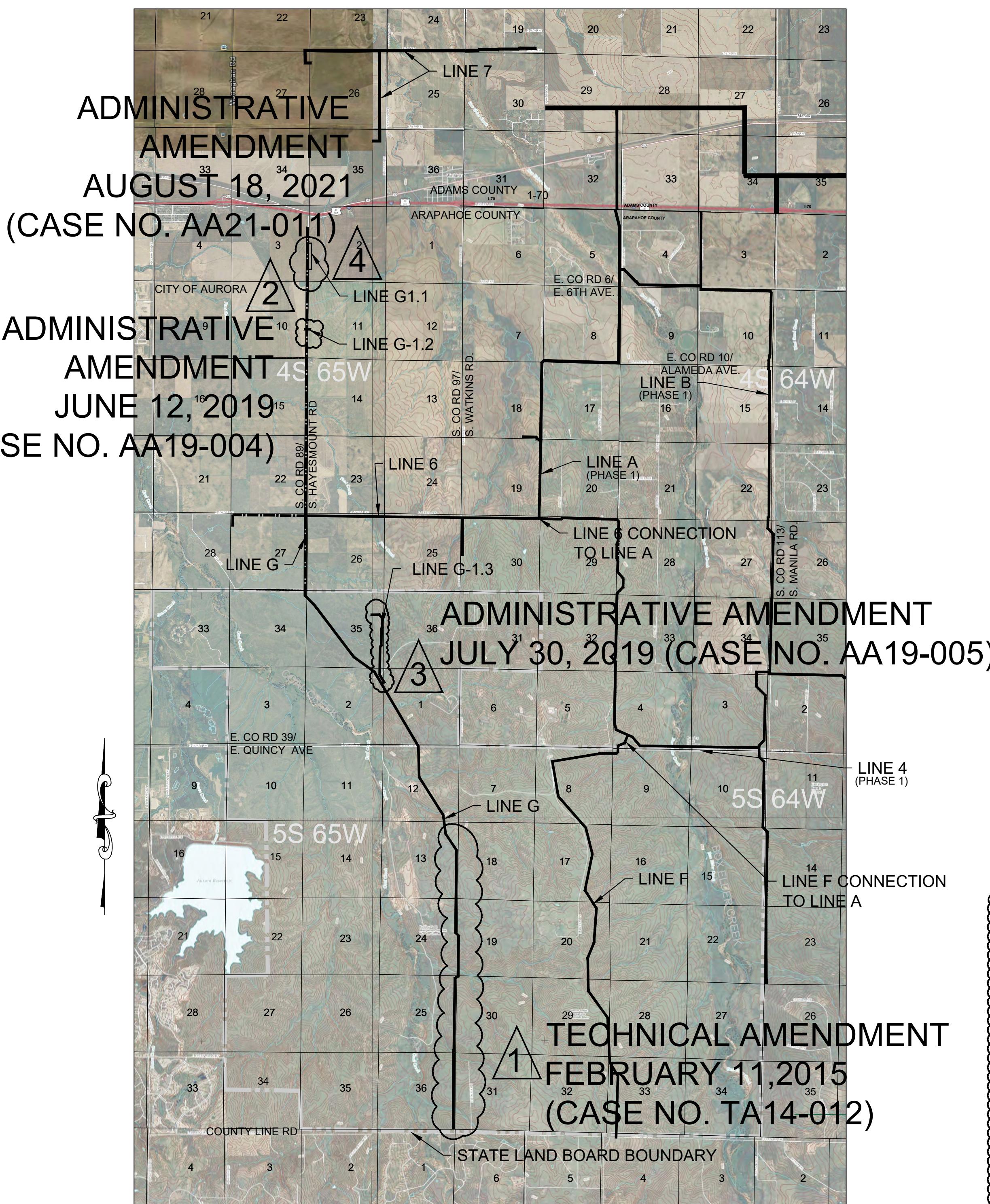
U14-001 - BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 2 (LINES 6, F & G) USE BY SPECIAL REVIEW.  
APPROVED JUNE 17, 2014 FOR PHASE 2 PETROLEUM GATHERING SYSTEM.

TA14-012 - TECHNICAL AMENDMENT FOR MINOR REALIGNMENT ON LINE "G" OF BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 2. APPROVED FEBRUARY 11, 2015.

AA19-004 - ADMINISTRATIVE AMENDMENT FOR THE ADDITION OF LINES "G-1.1" AND "G-1.2" OF BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 2. APPROVED JUNE 12, 2019.

AA19-005 - ADMINISTRATIVE AMENDMENT FOR THE ADDITION OF LINE "G-1.3" OF BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 2. APPROVED JULY 30, 2019.

ARAPAHOE COUNTY CASE NUMBER: U14-001, TA14-012, AA19-004, AA19-005, AA21-011, UASI21-003



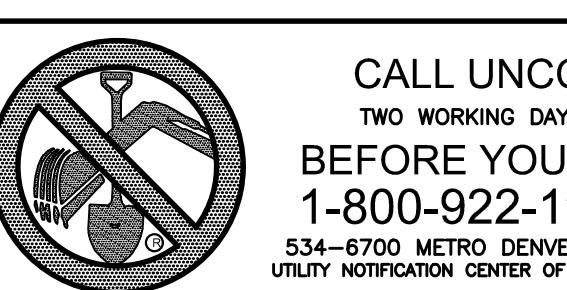
**GENERAL CONSTRUCTION NOTES:**

1. THE SITE PLAN, EQUIPMENT AND INFORMATION SHOWN HEREIN ARE FOR REFERENCE ONLY AND ARE NOT INTENDED TO BE USED FOR CONSTRUCTION. ENGINEERED GESC DRAWINGS RELATIVE TO THIS SITE WILL BE SUBMITTED AND APPROVED FOLLOWING ALL APPLICABLE ARAPAHOE COUNTY STANDARDS AND PROCEDURES.
2. IMAGES SHOWN HERE ARE REPRESENTATIVE OF TYPICAL EQUIPMENT FOR A PIPELINE. ACTUAL EQUIPMENT MAY VARY SLIGHTLY IN SIZE AND/OR COLOR.
3. CONSTRUCTION IS SCHEDULED TO COMMENCE IN SEPTEMBER 2014 AND CONCLUDE IN JULY 2015. THREE OR MORE CREWS ARE PLANNED TO BE CONSTRUCTING THE LINES PIPELINE, WORKING DAYLIGHT HOURS, UP TO 7 DAYS PER WEEK.
4. PER ARAPAHOE COUNTY GESC STANDARD NOTES AND DETAILS, THE SEED MIX WILL BE APPLIED

**RIGHTS OF WAY:**  
ACCORDING TO THE ARAPAHOE COUNTY TRANSPORTATION MASTER PLAN DATED NOVEMBER 2010, THE ULTIMATE RIGHT-OF-WAY FOR S. WATKINS ROAD WILL BE A 144' ARTERIAL, AND E. JEWELL AVE., WILL BE 114' RURAL ARTERIAL. S. HAYESMOUNT RD WILL BE A 144' ARTERIAL PER THE APPROVED SANDY CREEK FRAMEWORK DEVELOPMENT PLAN IN THE CITY OF AURORA. THE PROPOSED PIPELINE EASEMENTS WILL BE OUTSIDE THOSE EXISTING /FUTURE RESERVED COUNTY AND CITY RIGHTS OF WAY.

<b><u>CERTIFICATE OF OWNERSHIP</u></b>	
I _____ HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PIPELINE EASEMENT PROPERTY DESCRIBED HEREIN, KNOWN AS BRONCO PIPELINE COMPANY GATHERING SYSTEM - PHASE 2 (LINES 6, F & G) AMENDMENT NO. 5, CASE NO. UASI21-003.	
OWNER OF RECORD OR AUTHORIZED AGENT	DATE
STATE OF _____ } COUNTY OF _____ }	S.S.
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20 _____ BY _____	
AS _____ OF _____	AN AUTHORIZED SIGNATORY,
BY _____	WITNESS MY HAND AND SEAL
NOTARY PUBLIC	
MY COMMISSION EXPIRES _____	
NOTARY I.D. NUMBER _____	

BENCH MARK  
BENCHMARK 374 LOCATED ON THE SECTION LINE  
BETWEEN SECTIONS 12 AND 13, T5S, R64W, 6TH  
P.M., TAKEN FROM 1988 PUBLISHED DATUM BY THE  
UNITED STATES DEPARTMENT OF THE INTERIOR,  
GEOLOGICAL SURVEY AS BEING 6054.61 FEET.



DRAWN BY:		SCALE:	TITLE SHEET	
1		1:128	BRONCO PIPELINE COMPANY GATHERING SYSTEM PHASE - 2 USE BY SPECIAL REVIEW PLAN	
CHECKED BY:		NO SCALE		
1		ME:		
FILED NO.:				DATE:
				2/13/2014
10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546				
BRONCO PIPELINE COMPANY ATTN: WAYNE MCCREESH 34501 E. QUINCY AVE. BUILDING 1 WATKINS, CO 80137 PHONE: (303) 268-3710				
 <b>CVL</b> CONSULTANTS				
No. Provisions 5 4 3 2 1				
10-21 KRW 08-21 KRW 06-19 BNJ 05-19 BNJ 10-14 MJP				
MAJOR AMENDMENT (BUBBLED) FRESHWATER PIPELINE ON LINE "G-1.1" (BUBBLED) ADDITION OF LINE "G-1.3" (BUBBLED) ADDITION OF LINE "G-1.1" & "G-1.2" (BUBBLED) MINOR REALIGNMENT ON LINE "G" (BUBBLED)				
10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546				

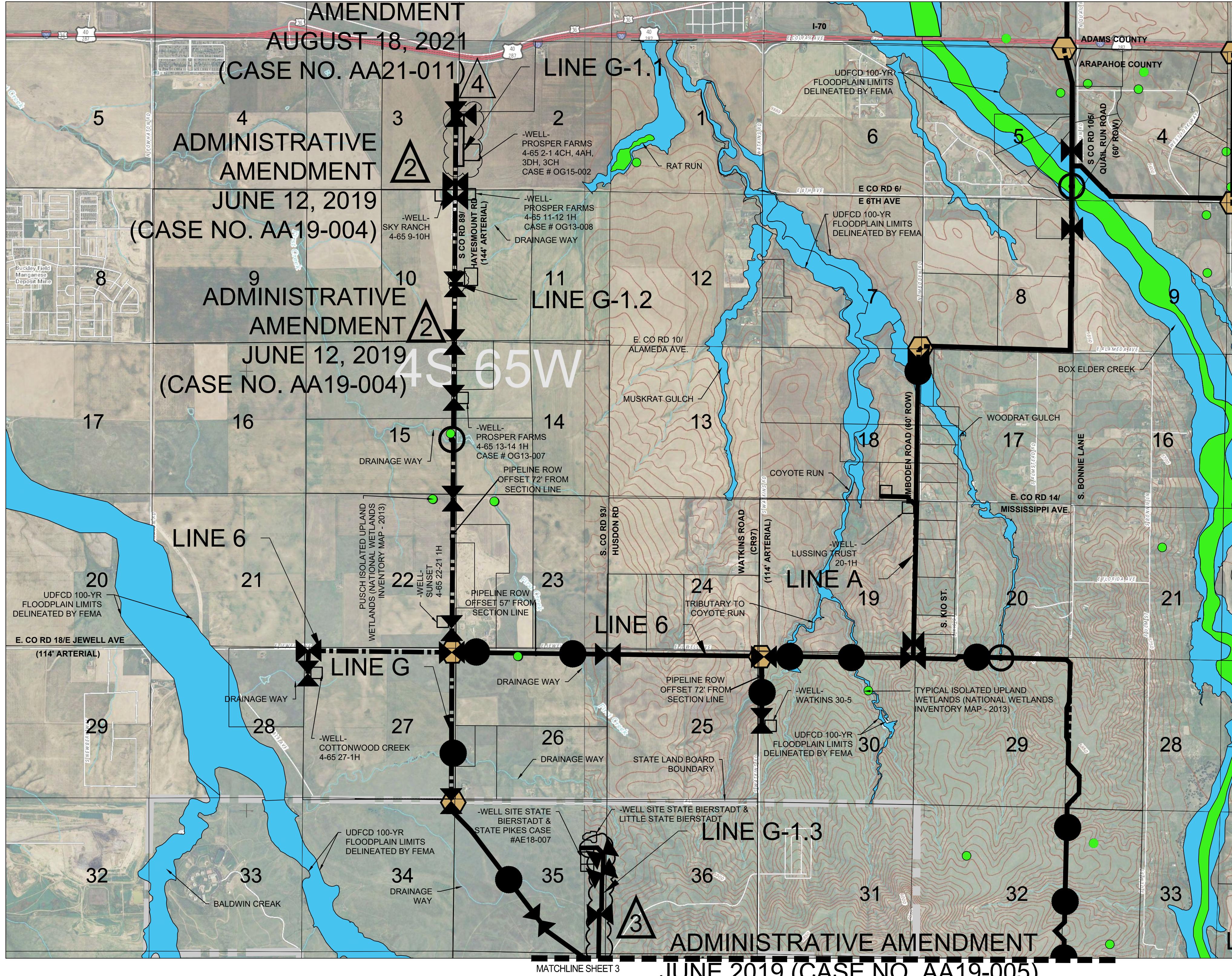
# BRONCO PIPELINE COMPANY

## GATHERING SYSTEM - PHASE 2 (LINES 6, F & G)

### USE BY SPECIAL REVIEW PLAN, AMENDMENT NO. 5

LOCATED IN SECTIONS 19 AND 30 OF T4S, R64W, SECTIONS 2, 10, 11, 14, 23-26, 34 AND 35 OF T4S, R65W, SECTIONS 4, 5, 8, 9, 17-20 AND 29-33 OF T5S, R64W, SECTIONS 1, 2, 12, 13, 19, 24, 25, 30 AND 36 OF T5S, R65W OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO

#### ADMINISTRATIVE



ARAPAHOE COUNTY CASE NUMBER: U14-001, TA14-012, AA19-004, AA19-005, AA21-011, UASI21-003

EXISTING TOPOGRAPHY, FLOODPLAIN & WETLANDS (NORTH)

SCALE: 1" = 2,000'



VALVE SITE EXAMPLES  
SCALE: NTS

#### LEGEND

- WETLANDS (NATIONAL WETLANDS INVENTORY 2013)
- FLOODPLAIN
- ROADWAY CROSSING
- DRAINAGE CROSSING (OPEN CUT)
- DRAINAGE CROSSING (BORE)
- PHASE 2
- PHASE 1
- VALVE SITES (TO BE LOCATED AT SECTION LINES. NOT ALL SITES SHOWN)
- INSIDE CITY OF AURORA

SHEET NUMBER	DRAWN BY:	SCALE:	CHECKED BY:	MEL	FILE NO:	DATE:	APPR.	DATE
2		NO SCALE			8.13.0231001	FEBRUARY 2014		2014

10333 E. DRY CREEK RD.  
Englewood, CO 80120  
Eng. tel: (720) 482-2556  
Fax: (720) 482-3516

5 MAJOR AMENDMENT (BUBBLED)  
4 FRESHWATER PIPELINE ON LINE "G-1.1" (BUBBLED)  
3 ADDITION OF LINE "G-1.3" (BUBBLED)  
2 ADDITION OF LINE "G-1.2" & "G-1.3" (BUBBLED)  
1 MINOR REALIGNMENT ON LINE "G" (BUBBLED)

10-21 KRW  
08-21 KRW  
08-19 BNU  
09-19 BNU  
10-14 MIP

No. Revisions

10333 E. DRY CREEK RD.  
Englewood, CO 80120  
Eng. tel: (720) 482-2556  
Fax: (720) 482-3516

ATT. WAYNE INCREESH  
34301 E. QUINCY AVE., BLDG. 1  
WATKINS, CO 80137  
PHONE: (303) 288-3710

CIVIL ENGINEERING  
LAND SURVEYING

CENTERLINE OF ALIGNMENT  
DEPICTED IN PLAN VIEW

TEMPORARY CONSTRUCTION  
EASEMENT  
25' VARIES, TYPICALLY 50', 75, OR 100' PIPELINE  
EASEMENT  
25'

12" DIA GAS STEEL PIPELINE  
THREE 2" DIA FIBER OPTIC CABLES  
24" DIA FRESHWATER WATER HDPE PIPELINE

8" DIA OIL STEEL PIPELINE  
4" DIA PRODUCED WATER PIPELINE

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# BRONCO PIPELINE COMPANY

## GATHERING SYSTEM - PHASE 2 (LINES 6, F & G)

### USE BY SPECIAL REVIEW PLAN, AMENDMENT NO. 5

LOCATED IN SECTIONS 19 AND 30 OF T4S, R64W, SECTIONS 2, 10, 11, 14, 23-26, 34 AND 35 OF T4S, R65W, SECTIONS 4, 5, 8, 9, 17-20 AND 29-33 OF T5S, R64W, SECTIONS 1, 2, 12, 13, 19, 24, 25, 30 AND 36 OF T5S. R65W OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO



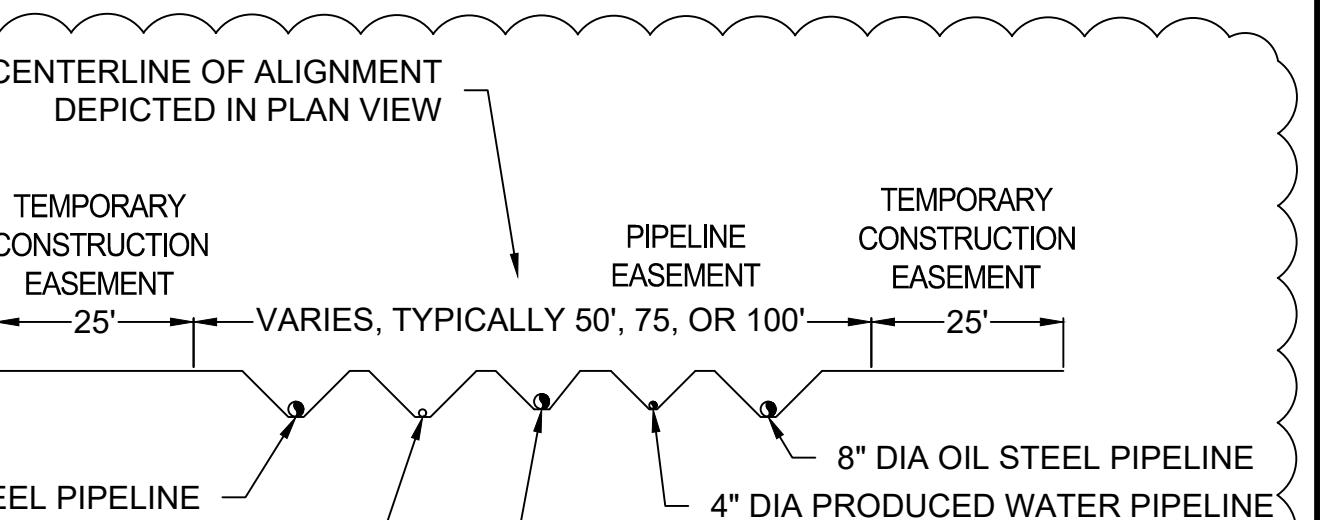
SHEET NUMBER	DRAWN BY:	SCALE:	CHECKED BY:	MEL	FILE NO:	DATE:	Init.	Appr.	Date	Date
3		NO SCALE			8.13.0231001	FEBRUARY 2014			UAS121-003	USR Phase 2 AA19-005

#### VALVE SITE EXAMPLES

SCALE: NTS

LEGEND

- WETLANDS (NATIONAL WETLANDS INVENTORY 2013)
- FLOODPLAIN
- ROADWAY CROSSING
- DRAINAGE CROSSING (OPEN CUT)
- DRAINAGE CROSSING (BORE)
- PHASE 2
- PHASE 1
- VALVE SITES (TO BE LOCATED AT SECTION LINES, NOT ALL SITES SHOWN)
- INSIDE CITY OF AURORA



TYPICAL PIPELINE EASEMENT SECTION

NTS

- TEMPORARY CONSTRUCTION EASEMENT VARIES ON EITHER SIDE OF PIPELINE EASEMENT AND IS NOT INCLUDED IN ALL AREAS.
- EXCAVATED MATERIAL FROM TRENCHES SHALL BE TEMPORARILY STOCKPILED PARALLEL OF THE TRENCH ALIGNMENT.
- TRENCHES SHALL HAVE MAX SLOPES OF 1:1, AND PROVIDE THE PIPELINES WITH 4' OF COVER, MIN.
- PIPELINES CONSTRUCTED THROUGH DRAINAGEWAYS, DEPICTED HEREIN WITH FLOODPLAINS AND PUBLIC ROADWAY RIGHTS-OF-WAY, SHALL PROVIDE 6' OF COVER, MIN.
- SEPARATION BETWEEN PIPELINES IS TYPICALLY 10'.
- HYDROCARBON PIPELINES (CRUDE OIL AND GAS) SHALL BE NO LARGER THAN TWELVE INCHES DIAMETER. WATER PIPELINES (FRESH OR PRODUCED) MAY BE LARGER THAN TWELVE INCHES DIAMETER, BUT NO LARGER THAN TWENTY FOUR INCHES IN DIAMETER.
- FOUR/FIVE PIPELINE TYPES ARE IDENTIFIED. THE APPLICANT MAY CONSTRUCT A COMBINATION OF THESE PIPELINES WITHIN THE EASEMENTS, SUCH AS MULTIPLE GAS LINES OR MULTIPLE CRUDE OIL LINES OR NO WATER (FRESH OR PRODUCED) LINES. THE ABSOLUTE TOTAL NUMBER OF PIPELINES ARE AS FOLLOWS: A MAXIMUM OF NINE TOTAL LINES, WITH ONE FOR FRESH WATER, THREE FOR NATURAL GAS, ONE FOR PRODUCED WATER, THREE FOR CRUDE OIL AND ONE TELECOMMUNICATIONS PIPE THAT CONSISTS OF THREE TELECOMMUNICATIONS LINES IN ONE PIPE SLEEVE.