

1041 - Areas and Activities of State Interest Regulations

Section V, Part A - Compliance with 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.

The Applicants will obtain the necessary property rights, permits and approvals to construct and operate the proposed Project.

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

The Project would be located within the Denver Basin aquifer system and would be subject to the South Platte Basin Implementation Plan. The Project will comply with the State of Colorado and Arapahoe County's Stormwater Management Manual.

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 Applicants have the financial and technical capabilities to develop and operate the proposed Project. The Applicants may employ contractors for construction- and operations-related tasks. Only contractors with experience and expertise to construct this Project will be pre-qualified to bid on this Project.

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

The Applicants have evaluated the Project for technical and financial feasibility and have determined that the Project is necessary and feasible. As previously mentioned, the Applicants have the technical and financial capability to develop the proposed Project.

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

SWCA reviewed publicly available sources, including the Colorado Geological Survey and USGS, for data on karst formations, subsidence features faults, landslides, and flood zones to determine potential risks from natural hazards to the impact area. SWCA has determined that there are no significant risks to the Project from natural hazards, consisting of karst formations, subsidence features faults, landslides, and flood zones (Colorado Geological Survey 2015; FEMA 2024; USGS 2024a, 2025).

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

The Applicants have reviewed the Arapahoe County Comprehensive Plan adopted August 15, 2019, amended through September 20, 2022 (Arapahoe County 2018). The Project is a permitted use as a Major Facility of Public Utility in accordance with Arapahoe County's 1041 Regulations (Arapahoe County 2006). The Project is in conformance with the vision and guiding principles outlined in the Comprehensive Plan as it contributes to public services and economic

health. The Project is proposed for development within an existing utility corridor and will not have significant impacts on natural and cultural resources.

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.

The Project will not create a significant demand on local government services, and primary Project impacts will be limited to the construction phase of the Project. The Applicants will coordinate with the local fire, police, and the Arapahoe County Office of Emergency Management to discuss emergency response resources available. The Applicants have also developed and will implement an emergency response plan.

The maximum impacts due to traffic will be limited to the construction phase of the Project. Traffic will use I-70, East County Road 6, and North Manilla Road. During construction, there will be a higher number of vehicles using the roadways, but the additional, temporary construction-related traffic is also not expected to negatively impact the roadways. All existing roadways used to access the site will be able to support the additional traffic, and, as such, no new roads are being proposed with this Project for either construction deliveries or other deliveries associated with facility operations. Once in operation, no additional traffic is anticipated. The Project will therefore not impact the existing transportation network and infrastructure in Arapahoe County.

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 Project will contribute to increased tax revenues for the state and county. Additionally, it is anticipated that workers would spend money on goods and services within the county during construction of the Project. For a more detailed evaluation related to the distribution of the burden on existing or future residents of the county, please see the benefit/cost analysis that was completed for the Project, which is attached to the 1041 Permit application.

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

The Project will not degrade the local economy in Arapahoe County. Applicants will employ local subcontractors and provide local job opportunities for qualified contractors to the extent practicable during the construction and operation of the Project. Following construction, the Project area will be restored to preexisting conditions and will not impact nearby businesses or agricultural activities.

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

The Project would not be located near designated scenic areas, and the impact area does not contain trails or other facilities for recreational experiences. The Project is not anticipated to affect the operations of this facility, and potential nuisances associated with construction (noise,

dust, odors) will be minimized to the extent practicable. Potential nuisances are expected to be limited to the construction phase of the Project.

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

The Project will be designed and constructed to reflect principles of resource conservation, energy efficiency, and recycling or reuse to the extent practicable. Upon completion, the Project would be used to transport crude oil and natural gas, significantly reducing or eliminating the amount of truck traffic that would be required to haul the products. If the Project is not constructed, the need to use trucks for transport would result in a greater demand for gasoline and diesel, increased emissions, and an increased risk for damage and maintenance to East County Road 6.

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 have significant environmental impacts, as the impact area will be restored to its preconstruction state to the extent practicable. Applicants will use best management practices to limit environmental impacts, including erosion- and sediment-control measures, and will revegetate the disturbed area with an approved seed-mix following construction in accordance with federal, state, and county requirements. Additional discussion of environmental resources and impacts are provided in Sections 2 through 9 of the Environmental Impact Analysis included with this submittal.

13. The Proposed Project will not cause a nuisance.

The Project will contribute to limited and localized nuisances during construction, including dust, noise, and increased traffic. The extent of these nuisances is anticipated to be minimal, and the Applicant will employ relevant mitigation measures to minimize the impacts. These measures include regularly watering exposed soil surfaces, enforcing vehicle speed limits on unpaved roads, use of low-emission equipment, compliance with relevant air quality regulations, and applying environmentally safe dust suppressants.

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

The Project does not impact any areas of paleontological, historic, or archaeological importance.

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.

Applicants will develop a spill prevention, control, and countermeasures plan for the Project, as required, to minimize the potential for release of hazardous materials. The spill prevention, control, and countermeasures plan will be developed in accordance with the Oil Pollution Act of 1990, as applicable. The Project will be constructed in accordance with applicable federal and state safety regulations for pipelines to minimize the risk of spills of hazardous materials. The Applicant will also develop a stormwater pollution prevention plan for construction.

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.

The Project will have no impact on benefits of natural, agricultural, recreational, range or industrial resources within the County. The Project will have no impact on losses of natural, agricultural, recreational, range or industrial resources within the County.

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

Applicants have reviewed and evaluated the Project based on its technical and financial feasibility and determined that the Project is the best alternative based on consideration of need, existing technology, cost, impact, and these regulations.

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

The Project will be constructed along the edges of the parcels where possible and is not anticipated to degrade 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.

The Project does not impact any cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle and the opportunity for solitude in the natural environment.

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

The Project will be constructed along the edges of the parcels where possible and will not degrade the land use patterns within the vicinity of the impact area.

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

Applicants have complied with all applicable regulations and have paid all applicable fees.