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

KAT HAMMER, SENIOR PLANNER

June 7, 2022

REVISED STAFF RECOMMENDATION:

Revisions highlighted in yellow.

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 fresh water pipe line shall only be used to provide service to oil and gas facilities, firefighting activities and shall not provide service to agricultural, commercial, residential, or other uses.
5. Prior to commencement of construction, the applicant shall be required to obtain all applicable permits, including but not limited to Grading, Erosion and Sediment Control (GESC) permits, Street Cut and Right-of-Way Use Permits, Floodplain Development Permits, and Oversize/Overweight Vehicle Permits, from Arapahoe County Public Works and Development.
6. Prior to construction, if any pipelines are proposed to cross or be located within County's right of way the applicant shall enter into a License Agreement with the County.
7. The applicant shall provide Traffic Control Plans to the County prior to approval of construction documents and issuance permits from County Engineering Services Division and the Building Division.
8. Prior to construction, the applicant shall provide a copy of the inspection and report of paleontological, historic, or archaeological importance, as well as mitigation measures if any issues are noted during the inspection by a third party consultant.

9. The applicant shall conduct a nesting raptor survey prior to the commencement of construction, if construction begins during the nesting season, March 15 through August 31.
10. The applicant shall report to the County, appropriate emergency offices, and personnel any spill or release that is required to be report by federal or state requirements.
11. The applicant shall comply with Tri County Health Department regulations.
12. The applicant shall construct, maintain and operate the pipeline in compliance with all applicable federal and state laws and regulations, including but not limited to: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT), Transportation Security Administration (TSA), and Colorado Public Utility Commission (COPUC).
13. The applicant shall comply with the measures and procedures described within the Product Spill Response and Emergency Plan.
14. The applicant shall obtain all necessary permits from Public Service Company of Colorado dba Xcel Energy.

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 REVISED 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 condition:

1. Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development comments.
2. All necessary utility easements must be executed and recorded prior the commencement of construction.
3. Prior to water line construction, applicant shall provide Arapahoe County with documentation from Water Court, a water provider, or certification by the Division of Water Resources identifying all sources of water, the duration of the water use, certification that the water is authorized for oil and gas usage, and that the water is allowed to be used in Arapahoe County/the destination basin.

4. The fresh water pipe line shall only be used to provide service to oil and gas facilities, firefighting activities and shall not provide service to agricultural, commercial, residential, or other uses.
5. Prior to commencement of construction, the applicant shall be required to obtain all applicable permits, including but not limited to Grading, Erosion and Sediment Control (GESD) permits, Street Cut and Right-of-Way Use Permits, Floodplain Development Permits, and Oversize/Overweight Vehicle Permits, from Arapahoe County Public Works and Development.
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13. The applicant shall comply with the measures and procedures described within the Product Spill Response and Emergency Plan.
14. The applicant shall obtain all necessary permits from Public Service Company of Colorado dba Xcel Energy.

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

Applicant's Narratives

Exhibits

1041 Regulations Appendix A

Crestone Midstream Lines & Amendment