

# **GUNNISON COUNTY PLANNING COMMISSION**

**PRELIMINARY AGENDA: Friday, February 29, 2008**

- 8:45 a.m.**
- **Call to order; determine quorum**
  - **Approval of Minutes**
  - **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.
- 9:00 a.m.**     **Bull Mountain Natural Gas Pipeline, SG Interests I Ltd., continued joint public hearing/no action,** request for Bull Mountain Natural Gas Pipeline; a proposed 20-inch diameter buried steel natural gas pipeline and related aboveground facilities within a 50-foot right-of way (ROW) on Bureau of Land Management (BLM) public lands and National Forest System (NFS) lands, Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, northwest Gunnison County
- 10:30 a.m.**     Break
- 10:45 a.m.**     **Continued Hearing**
- Noon**            **Lunch**
- 1:30 p.m.**     **Continued Hearing**
- 3:00 p.m.**     Break
- 3:15 p.m.**     **Continued Hearing**
- Adjourn**

**GUNNISON COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**February 29, 2008**

The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Ian Billick

Vice- Chairman -Ramon Reed

Commissioner- Nick Lypps

Commissioner- Sam Lumb

Commissioner-Richard Karas

Commissioner-John Messner

Assistant Director of Planning-Neal Starkebaum

Planner-Cathie Pagano

Administrative Assistant-Beth Baker

Others present as listed in text

**Absent:** Commissioner David Owen

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With a quorum present Chairman Ian Billick opened the regular meeting of the Gunnison County Planning Commission.

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**MOVED:** by Karas seconded by Reed to approve the minutes of February 15, 2008 as amended.

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**BULL MOUNTAIN PIPELINE;** The Planning Commission and Board of County Commissioners conducted a continued joint public hearing; meeting with applicants' representatives Brad Robinson and Lee Fyock with Gunnison Energy, Robbie Guinn with SG Interests, legal counsel Ken Wonstolen, and Trigon representatives Catherine Dickert, and Brett Hurlbut. They reviewed the request for the Bull Mountain Natural Gas Pipeline; a proposed 20-inch diameter buried steel natural gas pipeline and related aboveground facilities within a 50-foot right-of way (ROW) on Bureau of Land Management (BLM) public lands and National Forest System (NFS) lands, Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, northwest Gunnison County. Board of County Commissioner members Jim Starr and Paula Swenson, County Attorney David Baumgarten, and special counsel to the Board Barbara Greene attended the hearing.

With a quorum present Chairman Ian Billick opened the continued public hearing.

**MOVED:** by Karas seconded by Reed for the Commission and Board members to go into executive session with County Attorney David Baumgarten, legal council to the Board of County Commissioners Barbara Greene, and Assistant Planning Director Neal Starkebaum, for the purpose of discussing the P-1 exemption. The motion passed unanimously.

The Commission went into executive session at 9:10 a.m. *Executive sessions of the Gunnison County Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

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**Attorney Statement Regarding Executive Session**

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Gunnison County Attorney; that I represent the Gunnison County Planning Commission; that I attended all of the above referenced executive session; that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: \_\_\_\_\_

\_\_\_\_\_  
David Baumgarten  
Gunnison County Attorney

**Chairperson Statement Regarding Executive Session**

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B), I attest that I am the Chairperson of the Gunnison County Planning Commission; that I attended all of the above referenced executive session; and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: \_\_\_\_\_

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The Commission came out of executive session at 9:25 a.m. Chairperson Billick stated that the discussion had remained on the topic and no decisions were made.

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Legal counsel for the applicants Ken Wonstolen discussed the applicants request for the P-1 waiver, which allows activity closer than the minimum of 500 ft from a water body. He related that applicants want to avoid cut and fills on the side slopes, per the instruction of the Forest Service. He noted that going through the wetlands is environmentally preferable to cutting and filling the side slopes. He stated that the applicants must comply with the directives contained in the FEIS, and therefore they will qualify for a P-1 waiver.

Karas asked if there is a specific surveyed center line for the pipeline; Wonstolen confirmed that there is but there is some flexibility to move within the corridor. .

Billick asked that if once on site there would be some flexibility, if it appears that moving the pipeline a bit would be better. Is the Forest Service determining the route or is the applicant in charge? Forest Service representative Levy Broyles said the FEIS specifically identifies the hillside cuts and riparian areas.

Reed questioned whether the applicants could cut into the slope rather than infringe on the wetlands, when cutting into the slope would cause less damage. Hurlbut said that cutting into the toe of the slope would cause significantly more damage, because most if not all of the slopes are unstable.

Karas asked if the applicants need access to both sides of the trench; Hurlbut said they will use the right side for the equipment and the left side for the spoil pile only.

Lypps was concerned with the traffic; trucks and trailers going through the wetlands. Trigon representative Catherine Dickert confirmed that during construction the trucks will travel in the right of way (ROW.)

Billick asked for the consensus of commissioners concerning the P-1 waiver; because this was not posted as an action item on the agenda, they deferred making a decision.

Karas noted that the leakage of methane from a breach in the pipeline has been addressed.

Starkebaum noted that the commission had been given the information they had requested concerning dissolved methane. Billick stated that the information and statistics provided were insufficient.

Robinson said that methane by itself is not toxic; it dissipates into the atmosphere, unless it accumulates. Karas agreed that in dry area methane would dissipate, but in a wet environment it is not clear that it would dissipate. Baumgarten suggested that the commission's job is to evaluate only the evidence in front of them.

Starkebaum said the commission requested identifying incidences of pipeline leakages, and was provided information on all the reported incidences from 1997 to 2006. Most of the incidences were a result of excavation damage.

Reed said that based on the information presented methane is not an issue. Billick agreed with Reed; but acknowledged the anxiety that methane causes with the general public. Greene said they have contacted expert Lane Wyatt who said that he does not have expertise in this area, because it has never happened.

**Water Quality:**

Greene said an outside expert will be reviewing the information and making a report.

**Drainage and Erosion Control:**

The county has enlisted the services of Lane Wyatt as an outside consultant to review the section on water quality and water quality issues. The second consultant Sue Bonfil has been employed for wildlife. Greene said both the experts review all kinds of construction and disturbance at all elevations; most of their work involves projects at high altitude.

Billick asked for clarification of what will be done with the downed trees. Robinson replied that they will not sell the timber; the larger trees will be placed perpendicular to the ROW. Billick requested language that describes this mitigation measure.

Billick was concerned with mitigation measure SO5 and understanding how it plays out functionally; when the measures are used. Dickert explained that it will be site specific; it will be decided by the Forest Service and the construction team on site. Hurlbut noted that they comply with the guidelines for erosion control. Public Works representative Allen Moores said a storm water management plan will be in place and will contain best management practices; it will be used in the field and will be documented. Moores will go on site to do inspections.

Greene noted that the maintenance agreement with the county concerning the roads should be referred to in the drainage and erosion control section.

When asked if the applicants use different mitigation methods on private property versus public; Guinn confirmed that they use the same mitigation methods, unless the land owner requests something different.

Billick requested clarification on the minimum distance hazardous materials will be stored from a water body. He noted that the distance had been stated as 100 ft. in some sections and 200 ft. in others. Dickert agreed to research the required distance and make it consistent throughout the document.

Reed noted his concern that the storm water management plan, wildfire protection, etc. include the construction and the continued maintenance of the pipeline and compressor station. Wonstolen said that the compressor station is already included in the storm water management plan and does not need to be reiterated. Greene said it is triggered by construction disturbance not limited to construction.

Reed said that a drainage plan for the compressor station is needed. Guinn agreed to provide it later. He added that they are still working on the landscaping plan. The applicants will add the compressor station drainage and erosion plan to the matrix.

Messner questioned where the applicants move the rocks that are taken out; Hurlbut explained that they are placed immediately adjacent to the pipeline.

Starr was concerned with the moisture and potential for rutting the roads. Hurlbut replied that anytime six inch ruts are made, the road is restricted

#### **Access Roads:**

Guinn said that the access roads are separate from the public roads. They will replace two bridges on the county road; the first bridge replacement will start in March. The second bridge replacement should not cause much disturbance other than slowing down traffic.

Starr asked how the applicants were going to prevent ATVs from traveling along the pipeline; Hurlbut said they will place large boulders and dirt berms along the pipeline. Robinson added that they have an agreement with the Division of Wildlife, in which they agree to limit the ATV traffic for 15 years. Hurlbut said during construction there will be signage posted.

Karas asked about the surface roughening along the route; Guinn said that it is part of the reclamation.

The applicants and Public Works have a road maintenance agreement, security bond, monitoring by the county, post construction survey and repairs to road during construction.

#### **Public Roadways and Impacts:**

Billick referred to a letter from Marlene Crosby concerned with of the staging supplies and the vans bringing in employees. He requested that a reference to carpooling be listed in the matrix.

Starkebaum asked if there would be a line camp for the employees to stay in during construction; Guinn said would not be a line camp.

Lypps referred to the letters of concern that had pointed out turns on the county road; Moores said that was one of the reasons that the applicants will be convoying the trucks – there are also pullouts along County Rd. 265.

**Public Comment;**

Riviera Drilling and Exploration representative Sharon Parrish cautioned the commission to be careful when dealing with the applicants. She said that they have no objections to the pipeline or compressor station; but she reiterated that the commission should be cautious when dealing with the applicants. Baumgarten explained that the commission is looking for testimony that is germane to the standards- not a competitor’s opinion. Wonstolen objected to Parrish’s statement.

Billick requested a one page sheet summarizing all the information that is still pending.

**Wildlife and Wildlife Habitat:**

Greene noted that the county has retained the services of an outside expert to review this section.

Karas asked for clarification from CDOW that the county standards had been considered when they reviewed the plan. Robinson agreed to request a letter from CDOW regarding the county standards.

Lypps asked Greene if the mitigations will work if there will be on ongoing monitoring. Greene said that they are meeting with CDOW on March 12<sup>th</sup> and they will try to have our expert involved in that meeting.

Karas said that air quality modeling is in the recreation impacts section but it should also appear in the wildlife section. He said that air quality should be monitored but the state does not require it.

Billick expressed his concern with, “Project evaluation mitigation- success or failure.” Billick asked the applicants to identify a list of five of the biggest uncertainties and establish criteria mitigation. The criteria should include how situations will be handled if mitigation fails. The five criteria should be in order of certainty and importance. He said that, “With no definition of success there is no measure; success should be defined ahead of time.”

Billick asked if the invasive algae is a problem; Pederson will provide information on the invasive algae. Billick said that the applicants should explicitly state whether the invasive algae should be addressed or not.

Billick questioned the impact on the wolverine. Pederson explained that no wolverines have been seen in the area for several decades.

Pederson said that there will be raptor and owl surveys done.

Billick asked if dogs will be restricted. Pederson explained that contractors and employees can not bring dogs on site. Dogs will be added to the matrix. No hunting is allowed by the construction crews.

Lumb asked if there were any restrictions on firearms. Dickert said they will cross reference firearm restrictions in the safety plan and wildlife / wildlife habitat – it will be added to matrix.

**Livestock and Livestock Raising:**

Lypps asked if the permittees have been contacted; Wonstolen confirmed that they had. Guinn said he had spoken to Ross Allen, of the Henderson Cattle Pool.

Reed was concerned that livestock trails cause erosion and washouts. He said that it is important to have impediments on the hill sides to prevent cattle from passing and causing erosion. Lypps suggested installing waterbars for mitigation to prevent erosion. Broyles pointed out that the stock drive has been there since the turn of the 20<sup>th</sup> century. They are trying to have the stock drive traverse the hillside, to eliminate some of the erosion. Lypps said that the cattle pool should be notified when blasting is being done, this should be added to the matrix.

**Recreation:**

Billick said the proposed mitigation measures should be moved into the matrix.

Karas noted that the county's counsel have advised that the county with regard to requiring modeling of air pollution and its affects on recreation, wildlife, and livestock in the vicinity of the compressor station is preempted by the state.

Wonstolen noted that the provided additional data on air quality none the less.

Dickert said that Trigon had submitted the lighting plan to the staff.

### **Cultural and Historic Resources:**

Billick noted that the references to HR3 and the reroute have nothing to do with Gunnison County. Pederson said they are mentioned in case something new is found while digging. Billick suggested that only Gunnison County information be referred to, and focusing only on county standards.

Greene added that enforcement could be difficult if there are references to items that have nothing to do with Gunnison County. Wonstolen disagreed and said that the entire FEIS is a resource, but it includes a lot of other information other than just Gunnison County.

### **Wildfire Hazard:**

The applicants agreed to extend the wildfire plan to include the compressor station.

### **Geologic Hazards:**

The applicants have submitted a map to illustrate the geological hazards in the area.

Billick asked what happens when there is an unexpected event; Hurlbut replied that if an inspector observes something unusual a geo-technical engineer will be called out to the site.

### **Emergency Response:**

Lypps asked if lightning had hit the Ragged Mountain pipeline; Hurlbut said the pipeline had not been affected by lightning; it is grounded. Guinn acknowledged that lightning had hit storage tanks.

Messner requested clarification of material failure; Hurlbut explained that material failure refers to pipe that was laid and welded in the 1960s. These welds could be defective, causing a material failure.

Reed said that emergency response should include the compressor station; also it should be included in the matrix and reviewed by the county emergency response manager.

Billick questioned how the applicants dealt with drug use on site; Guinn said they leave drug enforcement to the contractor. There is drug testing done if there is an accident; random testing is also done.

Board member Jim Starr left the meeting at 12:00 p.m., for the remainder of the meeting.

**The hearing was adjourned for lunch at 12:00 p.m., and the hearing reconvened at 1:30 pm.**

Billick and Reed referred to the documents which they had received during the meeting and reserved the right to comment on them until after they had read them.

### **The commission outlined a punch list for each standard;**

#### **Standard A- Drainage and Erosion Control:**

- Submit a drainage and erosion plan for the compressor station
- SO 3 will be removed from matrix
- Downed trees greater than eight inches will be used on site
- All language should be consistent with county regulations
- Hazardous materials- clarify if they should be a minimum of 100 feet or 200 feet from a water body
- Identification of the standard of for road rutting on the ROW- should inserted into the matrix
- Given the information- are the standards met?

- Expert Lane Wyatt is also reviewing the wildlife and erosion control.

Consensus of commission- Standard A has not been met at this time.

**Standard B- Access Roads:**

- The operational constraints with rutting
- Correct typo on matrix on standard f – dust
- Not being reviewed by an additional expert.

Consensus of commission -Standard B has been met at this time.

**Standard C- Public Roadways and Traffic Impacts:**

- Ensure that the items of timing and prepositioning supplies is in the matrix
- Include carpooling in mitigation matrix
- Final review by public works.
- Not being reviewed by an outside expert

Consensus of commission- Standard C has been met at this time.

**Standard D-Wildlife and Wildlife Habitat:**

- Meeting with CDOW- waiting for the results of that meeting
- Staff will send a letter to CDOW- in reference to the county standards
- Identify the criteria for success- if mitigation doesn't work how failure will be dealt with- this will be provided by applicant and facilitated by the CDOW.
- Provide more information on invasive algae
- Add a statement about controlling dogs to the matrix
- Cross reference firearms in this standard
- Dickert will take out all mitigation measures that do not refer to Gunnison County.
- Cross reference the air quality items
- Information to be reviewed by an outside expert

Consensus of commission- Standard D has not been met at this time.

**Focusing in on other requirements that are not in the FEIS:**

High Country Citizens Alliance representative Dan Morse said that there should be a way to enumerate the mitigation measures. He requested that the wildlife requirements be incorporated with what the DOW comes up with. Greene said if the implanting criteria and standards are sufficient and satisfy the county, it is already done. She added if they are not sufficient extra mitigation can be made part of the approval.

**Standard E- Livestock:**

- Notification of the cattle pool before any blasting
- Add language that discourages livestock trails that result in erosion

Consensus of the commission- Standard E has been met at this time.

**Standard F-Landscaping:**

- Submit lighting and landscaping plans

Consensus of the commission- Standard F has not been met at this time.

**Standard G-Water Quality:**

- County has an expert reviewing that information
- Clarify whether hazardous material needs to be 100 ft. or 200 ft from a water body

Consensus of the commission- Standard G has not been met at this time.

**Standard H- Waterbody Setbacks-Covered by the P-1 waiver:**

- General sense that the P-1 waiver will be granted

Consensus of the commission- Standard H has not been met at this time.

**Standard I- Cultural and Historic Resources:**

Consensus of the commission-Standard I has been met at this time

**Standard J- Wildfire Hazards:**

- Part of any updates should be reviewed by the emergency response office

Consensus of the commission- Standard J has not been at this time.

**Standard K- Geologic Hazards:**

Consensus of the commission- Standard K has been met at this time.

**Standard L- Emergency Response Plan:**

- Should be reviewed by emergency response office
- Update to include the compressor station

Consensus of the commission- Standard L has not been met at this time.

**Standard M-Recreation:**

- Submit landscaping plan

Consensus of the commission- Standard M has not been met at this time.

**Standard O-Financial Guarantee:**

- Unresolved issue
- Add to matrix in a limited fashion

Consensus of the commission- Standard O has not been met at this time.

**Compliance:**

Reed asked if an onsite inspector is needed during construction, and at what frequency a report is needed.

The commissioners requested that the applicants identify the mitigation measures required only by the county.

Lypps stated that compliance is the most important issue of this project.

Reed asked if a site visit is still being considered. He recommended scheduling a site visit even if it is after the decision, to look at the compressor station and at least one or two well sites.

Billick continued the joint public hearing to March 14, 2008 @ 1:00 p.m., with potential action.

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The regular meeting of the Gunnison County Planning Commission was adjourned at 3:00 p.m.

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/S/ Beth Baker  
Administrative Assistant  
Gunnison County Planning