AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: BOCC Comments Re: Proposed Section 386 Energy Corr

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Review and Approval of Board Comments on the Proposed Section 386 Energy Corridor.

Fiscal Impact:

Submitted by: Lauren Hibbard **Submitter's Email Address:** lhibbard@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 9/11/19

Reveiwed by: Discharge Date: 9/12/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 9/12/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 15

Agenda Date: 9/17/2019

Revised April 2015

September 16, 2019

Jeremy Bluma

Bureau of Land Management

jbluma@blm.gov

Reggie Woodruff

U.S. Forest Service

Reginal.woodruff@usda.gov

Re: Section 368 Energy Corridor Review, Regions 2 and 3; Gunnison, Colorado

The Board of County Commissioners of Gunnison County, Colorado ("Gunnison County") has the authority to protect and promote the health, welfare and safety of the people of Gunnison County, and the authority to regulate land use planning and environmental quality and protection (including wildlife) in Gunnison County, including activities on private and federal lands. Pursuant to these authorities the Gunnison County Commissioners have duly adopted policies and regulations including the review, approval, conditioning or denial of certain proposed activities and users of public and private land and natural resources.

It is based on that authority – and the responsibilities that authority places on Gunnison County – that Gunnison County offers these comments on the Section 368 Energy Corridor Review, Regions 2 and 3, within Gunnison County, Colorado.

AUTHORITY OF GUNNISON COUNTY

It is important to note that, among the authorities relied upon by Gunnison County in making the comments are those granted to Gunnison County pursuant to Colorado Revised Statute 24-65.1-101 et seq. which include the authority "to designate areas and activities of state interest and, after such designation, (to) administer such areas and activities of state interest and promulgate guidelines for the administration thereof." (See: C.R.S. 24-65.1-101 (2)(b)). Among the areas of state interest included in that grant of authority are:

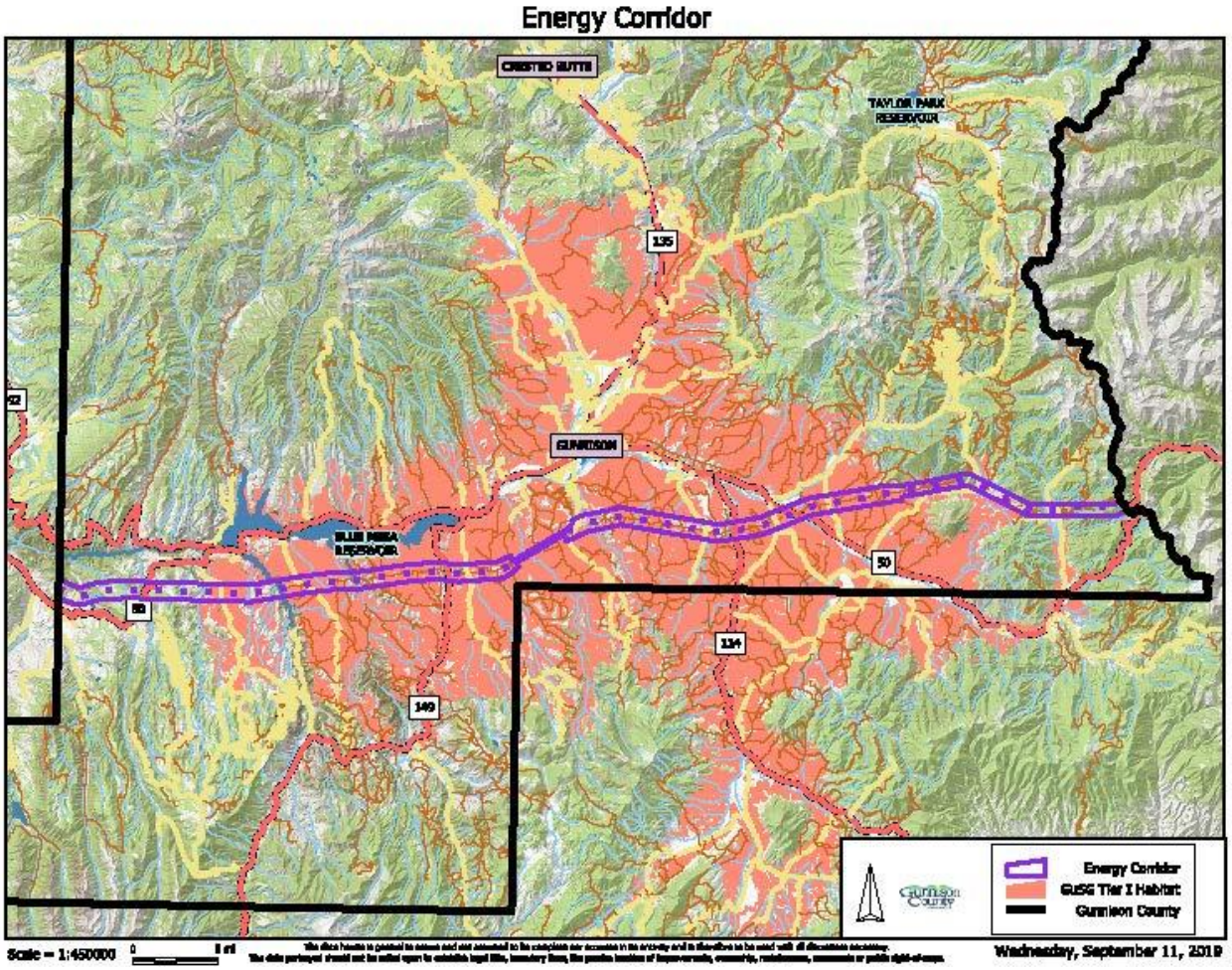
1. Areas around "key facilities" in which development may have a material effect upon the key facility or the surround community. (See: C.R.S. 24-65.1-201.) "Key facilities" includes "major facilities of public utility"; and "major facilities of a public utility" includes "transmission lines…of electrical utilities…pipelines (of) utilities providing natural gas or other petroleum derivatives." (See: C.R.S. 24-65.1-104(7)). Among the activities of state interest included in that grant of authority is "site selection and construction of major facilities of a public utility." (See C.R.S. 24-65.1-203 (1)(f). Gunnison County has and will continue to rely on these authorities regarding the subject proposed corridor.
2. Areas containing or having a significant impact upon, historical, natural, or archaeological resources of statewide importance and;
3. Natural hazard areas.

The proposed corridor has implications for all of those areas and activities of state interest for which Gunnison County has legal authority.

GUNNISON COUNTY SAGE-GROUSE

As you know, the Gunnison Sage-grouse ("GuSG") has been formally designated pursuant to the Endangered Species Act as a "threatened species." That is, GuSG are a natural resource of federal, state and local importance. In the initial review process of the proposed corridor, Gunnison County knew that the designated corridor in Gunnison County (87-277) crossed a large amount of GuSG habitat, but the species was not listed at that time and we did not have Gunnison County's scientifically based and empirically tested GuSG Habitat Prioritization Tool ("HPT") to help analyze potential impacts of the corridor on GuSG habitat. Gunnison County now has that tool and will share the tool and its application with you.

As an example, please find immediately below a map depicting the corridor in relation to GuSG Tier 1 habitat. (Tier 1 habitat being defined as _____.)



Please note the following regarding the corridor as proposed within Gunnison County and portions of Saguache County (contiguous to and south of Gunnison County) (together, the "Gunnison Basin"):

1. Gunnison sage-grouse occupied habitat (area and lineal feet/miles) crossed by the corridor in the Gunnison Basin: 26, 141 acres, roughly 56 miles long.
2. GuSG Tier 1 habitat (area and lineal feet/miles) crossed by the corridor in the Gunnison Basin, sorted by County: 15,927 acres, 42.5 miles long.
3. Number of GuSG leks within 0.6 miles of the corridor: 24
4. Number of GuSG leks within 2.0 miles of the corridor: 30

Gunnison County requires further analysis to accomplish the minimum consequences to this federally protected species.

CONSERVATION EASEMENTS

A number of conservation easements on private lands in the Gunnison Basin are crossed by the corridor. These conservation easements require the owner of the real property to maintain existing conservation easement values and to not place (or allow to be placed) new structures that are not compatible with the conservation easement values. Elimination by the federal government of those easements because of the identification of the corridor or activity on the corridor might of necessity require condemnation and compensation.

The following is an illustrative – and perhaps incomplete – identification of those existing conservation easements within or touching the corridor:

ID	NAME	TRANSDATE	Acreage in energy corriodor	LEGAL
208720...	Four-Mile Gulch	12/7/1999	169.1	498583
208720...	Four-Mile Gulch	12/7/1999	232.0	498583
208720...	Peterson Ranches	1/6/1999	204.8	490030
208720...	Peterson Ranches	1/6/1999	88.0	490030
208720...	Phelps Ranch I Upper Meadow	9/29/1998	125.4	487412,564389
208720...	Lypps	6/30/2006	273.4	566576,569082
208720...	Dallas A. Collins	9/12/2007	125.3	578716

It must be noted that, with 134 other private parcels impacted by the potential corridor, there are likely implications to future conservation easements as well.

- The implications of the potential corridor to existing and future conservation easements – and the loss of conservation values – requires further analysis.

SOILS AND NATURAL HAZARDS

The corridor may cross some or all of the soils and natural hazards in the list below.

Alluvial land
Alluvial land, wet
Big Blue loam, 0 to 1 percent slopes
Cryolls-Cryaquolls association, 0 to 15 percent slopes
Dewville loam, 5 to 15 percent slopes
Duffson-Corpening loams, 5 to 35 percent slopes
Duffson-Spring creek stony loams, 5 to 40 percent slopes
Evanston loam, 5 to 20 percent slopes
Gas Creek sandy loam, 0 to 1 percent slopes
Gold Creek silty clay loam, 0 to 5 percent slopes
Goosepeak gravelly loam, cool, 20 to 65 percent slopes
Herbman very gravelly sandy loam, 25 to 65 percent slopes
Herbman, moist-Kismuth complex, 25 to 65 percent slopes
Irim loam, 0 to 1 percent slopes
Kezar-Cathedral gravelly sandy loams, 5 to 35 percent slopes
Kubler loam, 5 to 35 percent slopes
Lucky-Cheadle gravelly sandy loams, 5 to 45 percent slopes
Moran-Telluride-Rock outcrop complex, 5 to 40 percent slopes, extremely stony
Ohman-Perfecto complex, 25 to 65 percent slopes
Parlin-Hopkins channery loams, 5 to 45 percent slopes
Parlin-Mergel gravelly loams. 5 to 45 percent slopes
Perfecto-Ohman-Legault complex, 25 to 65 percent slopes, very bouldery
Quander, cool-Bushpark-Rock outcrop complex, 15 to 45 percent slopes
Rock outcrop
Ruby gravelly sandy loam, 5 to 30 percent slopes
Shule and sapinero loams, 10 to 50 percent slopes
Stony rock land
Storm family very cobbly sandy clay loam, 10 to 65 percent slopes
Tellura very gravelly clay loam, dry, 15 to 65 percent slopes, very bouldery
Tellura, moist-Quander complex, 5 to 25 percent slopes
Uinta and tolvar soils, 10 to 50 percent slopes
Vanwirt-Storm complex, 5 to 40 percent slopes
Vulcan gravelly sandy loam, 10 to 35 percent slopes
Water
Youman-Leaps loams, 5 to 35 percent slopes
Youman-Passar loams, 5 to 30 percent slopes

Further analysis is required of the consequences of construction, installation, maintenance and emergency responses required in those soils and natural hazard areas in the corridor.

WIDTH OF CORRIDOR

It appears that the width of the corridor ranges from 1,000 feet (near Hartman Rocks to avoid consequences to Skiff milkvetch) to 5,280 feet for the remainder of the route through the Gunnison Basin.

Gunnison County requests further analysis to determine the minimum necessary width required to accomplish the functions for which the corridor is intended.

Thank you for your consideration. Again, Gunnison County makes available its staff.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS

_____ _____

Jonathan Houck, Chairperson John Messner, Commissioner

_____

Roland Mason, Commissioner