City of Loveland

DEVELOPMENT SERVICES
Current Planning
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www.cityofloveland.org

Preliminary Findings for Special Review #904 Approval

May 3, 2013

TITLE: West Main Natural Gas Replacement Pipeline Project: Outlot J, Dakota Glen First Subdivision

LOCATION: Generally located north of Jill Drive, south of 9th Place SW on the west side of S. Wilson Avenue in Outlot J of the Dakota Glen First Subdivision.

APPLICANT: Public Service of Colorado, Dan Tekavec

STAFF CONTACT:
Kerri Burchett, Current Planning
Melissa Morin, Water/Wastewater
Kevin Gingery, Stormwater
Kathleen Porter, Power
Sean Kellar, Engineering
Carie Dann, Fire
Tom Hawkinson, Building

APPLICATION TYPE: Special Review #904

STAFF RECOMMENDATION: Staff recommends that the Current Planning Manager approve a Type 2 Zoning Permit for the West Main Natural Gas Replacement Pipeline Project in Outlot J of Dakota Glen First Subdivision, subject to the conditions listed in this report dated May 3, 2013.

I. ATTACHMENTS

1. Vicinity Map
2. Special Review/Site Development Plan
3. Excerpts from Environmentally Sensitive Areas Report
4. Letter from Army Corps of Engineers

II. SITE DATA

Legal Description	Outlot J, Dakota Glen First Subdivision
Existing Zoning	DR Developing Resource
Acres	7.16 acres
Existing Use:	Vacant
Proposed Use	Underground natural gas line and temporary construction staging area

III. PROJECT DESCRIPTION

The application is for a special review to permit the construction of approximately 500 feet of an underground 16-inch high pressure natural gas line along the north side of Outlot J in the Dakota Glen First Subdivision. The special review also proposes a temporary construction staging area on the property, south of the pedestrian trail, for storage of material and equipment while the pipeline is being constructed in the immediate vicinity. The applicant is Public Service of Colorado (PSCo). The property is located north of Jill Drive, south of 9th Place SW on the west side of S. Wilson Avenue and is approximately 7 acres in size. The outlot is zoned Developing Resource (DR) which does not allow any uses by right. Essential public utility and public service installations and facilities are considered a special review in the zone district.

The proposed underground pipeline on the property would connect to a 16 inch high pressure line proposed through the open space in the Dakota Glen Planned Unit Development. The pipeline would run east-west on the property until it reaches the Wilson Avenue right-of-way (see Figure 1). In the right-of-way, the pipeline would turn north and continue through the City as part of a larger statewide Xcel Energy project referred to as the West Main Natural Gas Pipeline Replacement Project. In an effort to modernize its natural gas infrastructure, PSCo is replacing approximately 77 miles of transmission pipeline between Westminster, Colorado and the Wyoming border. PSCo has indicated that the replacement project is necessary to improve service reliability, maintain safety of the system and meet future needs for natural gas.

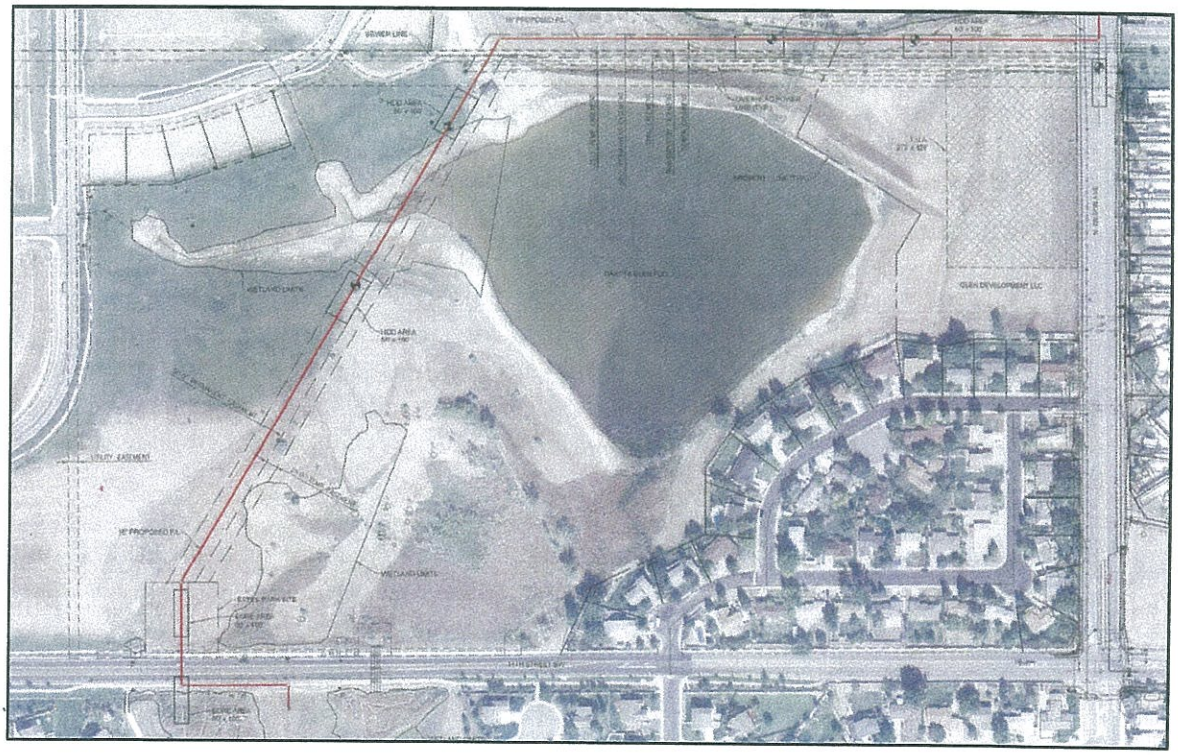
In Loveland, the complete project includes the construction of 2 regulator stations and a new 16 inch high pressure natural gas line located primarily along Wilson Avenue and West 29th Street. The new line would replace the existing natural gas line in Taft Avenue. The majority of the pipeline would be located within the Wilson Avenue and 29th Street rights-of-way or in adjacent public utility easements. PSCo has a franchise agreement with the City that permits the installation of pipelines in City rights-of-way and

public utility easements without public preview. The construction drawings for those portions of the pipeline are being reviewed and approved at an administrative level.

There are three components of the natural gas pipeline replacement project that require public review. The first component is the aboveground regulator station within the Dakota Glen PUD. The regulator station requires an amendment to the PUD as the use of an aboveground public utility facility was not identified as a permitted use. This process is currently underway and is schedule for public hearings with Planning Commission and City Council in May and June. The other two public review components of the project are being processed as special reviews. This includes a second regulator station located on Wilson Avenue, south of Eisenhower Boulevard, on property that is zoned B Developing Business and a small area of underground pipeline and a temporary staging area located in a DR Developing Resource zone district, adjacent to the Dakota Glen PUD. Both the aboveground regulator station and the underground pipeline are listed as special reviews in their applicable zone districts

Figure 1:

Dakota Glen Pipeline location



IV. KEY ISSUES

City staff believes that all key issues have been addressed in the development proposal and through the recommended conditions of approval. At the neighborhood meeting, 2 surrounding property owners attended and expressed concerns regarding the location of the line, environmental and wildlife impacts, dust control during construction, and the construction timing of the line. These concerns were addressed by PSCo at the meeting (see Section VI.B, below)

V. BACKGROUND

The property was annexed into the City in 1978 as part of The Ponds Addition and zoned Developing Resources. The property was replatted as an outlot in Dakota Glen First Subdivision in June of 2008.

VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification: An affidavit was received from Phil Mazur with Western States Land Services certifying that written notice was mailed to all property owners within 300 feet of the property on April 9, 2013 and notices were posted in a prominent location on the perimeter of the site at least 15 days prior to the neighborhood meeting.

B. Neighborhood Response: The neighborhood meeting was held on April 24th at 6:30 p.m. in the Gertrude B. Scott room in the City Library. The meeting was held right after the neighborhood meeting for PSCO's proposal to construct a regulator station and underground pipeline in Dakota Glen PUD. Two residents stayed for the special review neighborhood meeting, along with the applicant, City staff and the applicant's consultant team. The following question/concerns were voiced at the meeting. The response provided by Public Service representatives is shown in italics.

- Environmental Impacts: The line is proposed to go through wetlands and under the lake. How will this affect the environment and wildlife in the area? How will dust associated with the construction be controlled? Can the City require a 3rd party review of the environmental report?
  The underground pipeline will be bored underneath the wetlands and lake. No disturbance to the wetlands or lake will occur. PSCo has completed geotechnical borings to guarantee that the line will be outside of the wetlands. The line will be bored at least 15 feet underneath the sensitive areas. The pipeline location has been reviewed and approved by the Army Corps of Engineers.

  Wildlife in the area is being monitored to ensure minimal disruption. The pipeline construction along the ditch will take approximately 1 week to complete. In terms of dust mitigation, water trucks will be on site to make sure dust control is implemented.

  Excerpts from the Environmentally Sensitive Areas Report (ESAR) including the letter from the Army Corps has been included as Attachments 3 and 4 to this report. The complete ESAR is available on the City's Current Planning homepage at www.cityofloveland.org.

  The Planning Division has reviewed the ESAR and is in agreement with the findings and conclusions. Conditions recommended in the ESAR have been incorporated into conditions of approval for the special review. A 3rd party review of the ESAR is not required by the City.

- Construction Timing: How long with the project take?
  The construction timing for the underground pipeline in the special review area is estimated at approximately 1 week. PSCo anticipates starting this portion of the project in September.

- Pipeline Location: Why is the pipeline proposed through the open space instead of in 14th Street SW and Wilson Avenue?
  PSCo's preference is always within open space where possible. Locating the line outside of the street right-of-way is safer for people working on the line as well as future third party crews working on other utilities located in the street right-of-way.

- Temporary Construction Staging Area: How long with equipment and materials be stored in the construction stating area and will the area be used for the entire gas line project?
  The construction staging area will only be used when the pipeline is being constructed on the site and in the immediate vicinity (in the Dakota Glen PUD and this property). The staging area will not be used for the entire project. PSCo anticipates using the temporary staging area for approximately 4-6 weeks.

C. Project Schedule

1. Special Review #904 was filed with the Current Planning Department on March 29, 2013.

2. A neighborhood meeting was held on April 24, 2013 at 6:30 p.m. in the Library Gertrude B. Scott room.

3. The staff preliminary findings and determination was made on May 3, 2013.

4. The public review period for the staff preliminary findings and determinations is from May 6, 2013 to May 14, 2013.

5. The appeal period for the Type 2 Zoning Permit for Special Review #904 is from May 15, 2013 to May 24, 2013.

6. The Type 2 Zoning Permit for the Modification to Special Review #904 will be issued on May 25, 2013 providing no appeal is filed.

VII. FINDINGS AND ANALYSIS

City staff believes that all of the required findings, as indicated below, have been met.

Finding 1. That the proposed special review use meets the purposes set forth in Section 18.04.010 of the Loveland Municipal Code as indicated below:

Section 18.04.010: The zoning regulations and districts, as herein set forth, which have been made in accordance with a comprehensive zoning study, are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

Current Planning: Staff believes that this finding can be met based on the following facts:

- The underground pipeline will not have detrimental impacts on the items listed in Section 18.04.100 of the Municipal Code, as described above, including congestion in the streets, safety from fire, panic and other dangers, adequate light and air, and overcrowding of land, undue concentration of population.
- PSCo has indicated that the construction of the Natural Gas Pipeline Replacement project is necessary to improve service reliability, maintain safety of the system and meet future needs for natural gas. The pipeline will facilitate the adequate provision of natural gas to the community and along the Front Range.

Finding 2. That the effects of the proposed special review use on the surrounding neighborhood and the public in general will be ameliorated.

Current Planning: Staff believes that this finding can be met based on the following facts:

- The construction of the underground pipeline on the property is estimated to take 1 week, based on the contractor, Blackeagle Energy Services, hired by Public Service. At the neighborhood meeting, concerns were voiced regarding the impacts of the construction on the environment and wildlife, and adverse conditions during construction such as dust. PSCo addressed the questions at the neighborhood meeting (see Section VI.B, above).
- Once constructed, the pipeline will be located entirely underground. No adverse impacts to the neighborhood are anticipated with the operation of the underground line.
- Concerning impacts to the environment, an environmentally sensitive areas report (ESAR) was submitted and reviewed with the West Main Natural Gas Pipeline Replacement project. Excerpts from the ESAR are included as Attachment 3 to this report. The entire ESAR is available on the City's Current Planning Division homepage at www.cityofloveland.org.

  The project site is located adjacent to and partially within the City's designated Site 51 natural areas. The ratings table for this area lists a medium enhancement potential. The ESAR evaluated the site based on the City's established criteria. The following is an excerpt from the ESAR concerning the assessment of potential impacts of the proposed development.

  The proposed Project would avoid impacts to wetlands and potential sensitive or T&E animal and plant species. Prairie dogs are not present in the Study Area, and other wildlife was not observed during site biological reconnaissance, or field surveys. The role of the area as a north/south wildlife linkage would not be affected. Mature vegetation would not be disturbed and therefore, adverse effects to songbirds are not expected. No adverse effects to water birds are indicated because the lake and wetlands would not be disturbed by the proposed Project.

- The entire West Main Natural Gas Pipeline Replacement Project has been reviewed by the Army Corps of Engineers, who determined that based on the proposed pipeline location, a Department of Army Permit was not required (see Attachment 4).
- Conditions of approval are recommended by City staff to address environmental concerns voiced by those attending the neighborhood meeting. These conditions include provisions that require Public Service to implement dust control measures such as water application to disturbed areas, erosion control techniques and revegetation of ground disturbance following construction with a drought-tolerant seed mixture.

Finding 3. That in assessing the potential effects of the proposed special review use, at a minimum, the following matters have been considered:

3a. Type, size, amount, and placement of landscaping;

Current Planning: Staff believes that this finding is not applicable based on the special review request based on the following fact:

- The pipeline would be located underground; no landscaping is proposed or required by the Municipal Code.
- All areas disturbed through the construction of the pipeline and use of the temporary construction staging area would be revegetated and monitored by Public Service in accordance with the Weed Management and Revegetation Plan included as Attachment 7 to the ESAR dated March 2013 (see Condition #4).

3b. Height, size, placement, and number of signs;

Current Planning: Staff believes that this finding can be met based on the following fact:

- Permanent signs (pipeline markers) would be installed in the permanent 50-foot right-of-way to identify that a natural gas pipeline is buried nearby. These markers are required by federal regulations for pipeline safety. These markers warn local residents living in the area, or future construction contractors performing work in the area, that a natural gas pipeline is present. Markers identify the product carried in the pipeline (such as natural gas), the name of the pipeline operator, the operator's 24-hour emergency contact number, and the area's one-call center number. These markers are approximately 4 feet above ground and occur approximately every 500 feet or in-line of sight, on both sides of road, water, and railroad crossings, and at all changes in direction. Because the pipeline would cross only approximately 500 feet of the DR zone district, it is likely that only one sign would be needed within the property and would be located near Wilson Avenue.

3c. Use, location, number, height, size, architectural design, materials, and colors of buildings;

Current Planning: Staff believes that this finding is not applicable based on the special review request based on the following fact:

- The pipeline would be located entirely underground; no buildings are proposed. The only permanent aboveground features would be the pipeline marker signs described in Finding 3.b, above.

3d. Configuration and placement of vehicular and pedestrian access and circulation;

Current Planning: Staff believes that this finding can be met based on the following facts:

- No permanent public vehicular access to the site is proposed.
- The trail through the DR zone district is located on private land and is not a designated City trail. Pedestrian access to the trail would be closed temporarily for public safety during active construction of the pipeline in the immediate vicinity. The storage portion of the temporary use area would be delineated south of the trail so as not to block foot access to the trail.

3e. Amount and configuration of parking;

Current Planning: Staff believes that this finding is not applicable based on the special review request based on the following fact:

- Permanent parking is not requested in the special review application for the underground pipeline. In the temporary construction staging area, temporary parking of equipment may occur. The use of the temporary staging area will occur only during the construction activity of the pipeline within the immediate vicinity. The staging area will not be used for the duration of the entire project.

3f. Amount, placement, and intensity of lighting;

Current Planning: Staff believes that this finding is not applicable based on the special review request based on the following fact:

- No site lighting is requested in the application.

3g. Hours of operation;

Current Planning: Staff believes that this finding is not applicable based on the special review request based on the following fact:

- The proposed pipeline will be located entirely underground. The finding for hours of operation is not applicable once the pipeline is operational. PSCo is anticipating that the construction timing for the installation of the pipeline at this location will be approximately 1 week. During construction, the hours of operation will be limited to the hours between 7 a.m. and 7 p.m. and would occur Monday through Friday.

3h. Emissions of noise, dust, fumes, glare, and other pollutants.

Current Planning: Staff believes that this finding can be met based on the following facts:

- The total construction timing of the 500 feet of underground line on the property is estimated at 1 week, based on information provided by the construction contractor, Blackeagle Energy Services, hired by Public Service. Adverse impacts resulting from the construction activities will be short in duration.
- PSCo has provided the following additional information concerning Finding 3h:

1. Noise from heavy machinery will be of short duration during construction of the proposed natural gas pipeline. Construction would be limited to the hours between 7 a.m. and 7 p.m. and would occur Monday through Friday. Construction may occur on weekends and other hours outside the 7 a.m. to 7 p.m. timeframe on an as-required basis with City approval. Noise levels from equipment would be controlled through the use of standard maintenance procedures and the use of appropriate mufflers. PSCo would comply with the City of Loveland's noise regulations contained in the Municipal Code Chapter 7.32 Sound Limitations.
2. Construction of the natural gas pipeline and related facilities may generate a temporary increase in fugitive dust. PSCo will comply with state and Larimer County requirements for controlling dust emissions during the construction of the proposed Project. PSCo will employ best management practices (BMPs) for dust suppression, as described in the Storm Water Management Plan (SWMP). PSCo has indicated that during construction, water trucks will patrol work areas to control dust as necessary depending on weather and dust suppression, weed control, and soil conditioning.
3. Minimal odors from the proposed project are anticipated, with the highest likelihood occurring during construction from vehicle exhaust and during periods of maintenance activities when mercaptan may be noticeable. Mercaptan is a chemical injected into the natural gas product, as required by federal regulation, to produce a sulfurous odor ("rotten egg" odor) as a safety measure. It is not anticipated that maintenance activities beyond those already experienced by area residents would be required for the proposed project.
4. Glare would potentially be visible from construction vehicles and equipment. Any glare experienced would be temporary in nature and would be similar to other sources of glare that exist in the environment (such as from vehicle on Wilson Avenue and residential streets, and glare from residential building materials).
5. PSCo has obtained a Storm Water Permit for Construction Activities from the Colorado Department of Public Health and Environment. The drainage plan for the proposed Project would consist of a SWMP and BMPs for the control of stormwater runoff during the construction period. Post-construction, the areas disturbed by trenching and boring activities for the natural gas pipeline would be re-contoured to preconstruction conditions and revegetated as described in the SWMP.
6. PSCo adheres to the pipeline safety regulations established in the Code of Federal Regulations (CFR) at 49 CFR Part 192 by the U.S. Department of Transportation (DOT) to ensure public protection and to prevent accidents and failures. Specifically, the DOT Pipeline and Hazardous Materials Safety Administration is the federal authority for ensuring the safe, reliable, and environmentally sound operation of pipeline transmission

systems under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act).

Finding 4. Except as may be varied in accordance with this special review permit, the special review site plan conforms to the restrictions and regulations set forth in the Loveland Municipal Code for the zoning district in which the special review use is located.

Current Planning: Staff believes that this finding can be met based on the following fact

- The special review site plan conforms to the Loveland Municipal Code for the DR Developing Resource zone district. In the DR zone district, essential public utilities and public service installations and facilities are permitted as a use by special review. There are no specific development standards contained in DR zone district as outlined in Section 18.38 of the Municipal Code. The DR zone district does not permit any uses that can be developed by right.

Finding 5. The special review site plan meets the requirements set forth in Section 16. 41 - Adequate Community Services - of the Loveland Municipal Code.

Fire Prevention: Staff believes that this finding can be met based on the following facts:

- The project will comply with the requirements in the ACF Ordinance for response distance requirements for Loveland Fire Rescue Authority jurisdiction. The first due Engine Company is Station 3.
- The proposed development will not negatively impact fire protection for the subject development or surrounding properties.

Water/Wastewater: Staff believes that this finding can be met based on the following facts:

- This development is situated within the boundaries of, and accommodated by, the City's water and wastewater master plans. It is also located within the City's current service areas for Water and Wastewater.
- The proposed development will not negatively impact City water and wastewater facilities.
- The proposed public facilities and services are adequate and consistent with the City's utility planning and provides for efficient and cost-effective delivery of City water and wastewater service.

Stormwater: Staff believes that this finding can be met based on the following fact:

- The development will not negatively impact City storm drainage utilities and will comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140.

Power: Staff believes that this finding can be met based on the following fact:

- No negative impacts on the City's electric system are foreseen. The proposed development meets the criteria for level of service outlined in the ACF ordinance.

Transportation Engineering: Staff believes that this finding can be met based on the following fact:

- The 16-inch natural gas pipeline replacement project falls under the "Insignificant Traffic Impact Development" definition within the Larimer County Urban Area Street Standards (LCUASS) and complies with the criteria set forth in the LCUASS and the ACF Ordinance for traffic.

VIII. CONDITIONS OF APPROVAL

Current Planning

1. The temporary fence in the temporary construction staging area shall be installed prior to the storage of any materials on the site. No storage materials, excluding equipment and vehicles, within the temporary use construction staging area shall exceed the height of the temporary fence.

2. All wetlands located adjacent to the permanent and temporary easements for the regulator station and associated pipelines shall be flagged or marked by a qualified biologist prior to the occurrence of any construction activities on the site to ensure that these features will not be disturbed during construction activities.

3. No construction shall occur in areas located outside of the project easements secured by Public Service as designated in the Special Review site plan.

4. Public Service shall implement and comply with the Weed Management and Revegetation Plan included as Attachment 7 to the Environmentally Sensitive Areas Report dated March, 2013. All areas associated with the construction of the underground pipeline and temporary construction staging area shall be revegetated and shall be monitored by Public Service to ensure revegetation is successful.

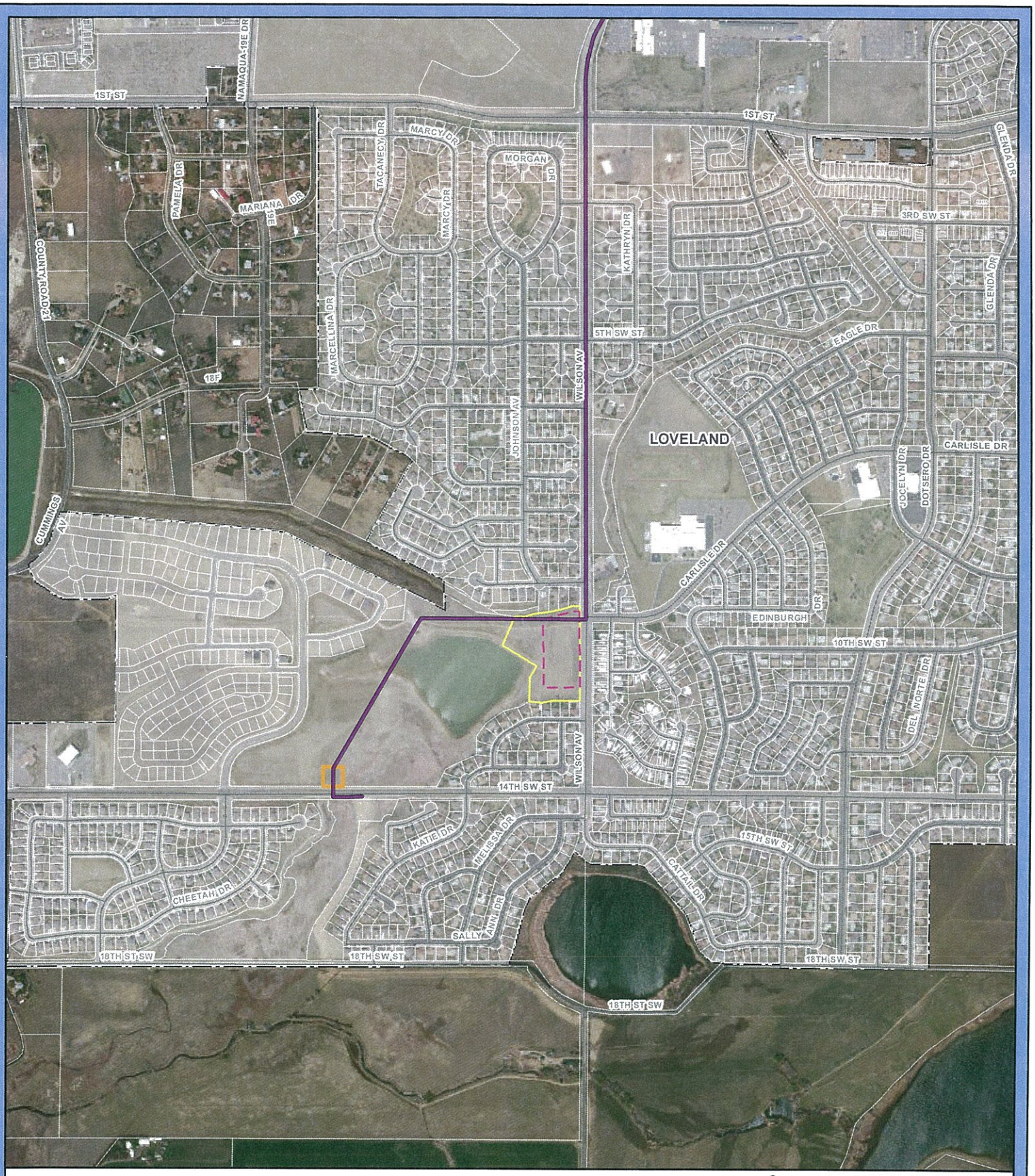
5. During construction, Public Service shall implement dust control measures such as water application to disturbed areas, erosion control techniques and revegetation of ground disturbance following construction with a drought-tolerant seed mixture. Water shall be used daily, or as needed, for dust suppression and soil compaction.

6. Prior to any construction activities occurring on the site, a raptor nest survey shall be completed and submitted to the Current Planning Division. Public Service shall observe all applicable Colorado Division of Wildlife buffers and timing restrictions based on the results of the raptor nest survey.

Fire

7. During project construction, the project manager or designee shall inform Loveland Fire Rescue Authority of any anticipated interruption of fire hydrant service or emergency vehicle access to properties, at least 48 hours in advance of the anticipated interruption of service or access.

8. Public Service Company is responsible for providing approved, adequate access to the proposed Temporary Use Area for emergency vehicles.



Vicinity Map: Developing Resource Zone Facilities

Legend

- Preferred Route
- Estes Park Regulator Station
- Loveland Developing Resource (DR) Zone District Boundary
- Temporary Use Area

0 270 540 810
Feet
1:12,000
1 inch equals 1,000 feet (when printed at 8.5x11)

Vicinity Map

ATTACHMENT 1

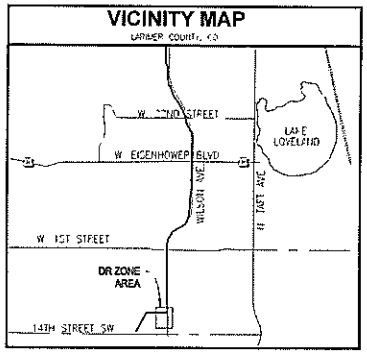
SPECIAL REVIEW #904
LARIMER 2013 - 16" WEST MAIN NATURAL GAS PIPELINE REPLACEMENT
(UNDERGROUND PIPELINE IN DEVELOPMENT RESOURCE DISTRICT)
CITY OF LOVELAND
FEBRUARY 2013

	Permanent Pipeline Easement	Temporary Pipeline Easement	Temporary Use Area
Zoning	Developing Resource (DR)	DR	DR
Site Acreage	0.578 acres	0.298 acres	2.65 acres
Land Use	Essential underground public utility and public service installations and facilities	Temporary use	Temporary use
Square Footage	N/A – this is an underground pipeline	N/A – this is a temporary area for use during construction of the pipeline project	N/A – this is a temporary area for use during construction of the pipeline project. Temporary construction trailers, if used, will require review of submitted plans and issuance of building permit.
Building Occupancy	N/A – this is an underground pipeline	N/A – this is a temporary area for use during construction of the pipeline project	N/A – this is a temporary area for use during construction of the pipeline project
Type of Construction	N/A – this is an underground pipeline	N/A – this is a temporary area for use during construction of the pipeline project	N/A – this is a temporary area for use during construction of the pipeline project
Parking Spaces	N/A – this is an underground pipeline	N/A – this is a temporary area for use during construction of the pipeline project	N/A – this is a temporary area for use during construction of the pipeline project
Landscaping	N/A	N/A	N/A
Open Space	N/A - The pipeline will be buried and revegetated upon completion of construction, and no impacts to open space will occur.	N/A - The temporary pipeline easement will be revegetated upon completion of construction, and no impacts to open space will occur.	N/A - The temporary use area will be revegetated upon completion of construction, and no impacts to open space will occur.
FEMA Floodplain	No portion of the site is within a FEMA floodplain	No portion of the site is within a FEMA floodplain	No portion of the site is within a FEMA floodplain

Standard Site Plan Notes:

1. Unless otherwise noted all land and utilities will be unchanged or restored to their original condition.
2. Legal descriptions of all Public Service company easements are included in the legal description page.
3. Regulator stations do not yet have an address assigned by the City of Loveland.
4. Final architectural design of regulator stations will be completed after final input from the City of Loveland.
5. The construction of the valve stations or pipeline in this plan shall be completed in one phase.
6. There will be no paved parking or bicycle racks installed and no servicing of vehicles on site.
7. All trash shall be hulled away by Public Service Company employees. There will be no permanent refuse collection areas.
8. No area of the easements in this plan is within fifty feet (50') of the property that is within a 100-year floodplain, is classified by the Army Corps of Engineers as wetlands or is land classified as having severe soil limitations by the Soil Conservation Service.
9. No area of the easements in this plan is within the Airport Influence area.
10. The Colorado Division of Wildlife identifies all easements that are within the snow goose winter foraging range. This development will have little to no impact on this species.

VICINITY MAP



DRAWING INDEX

REVISION	SHEET NO.	DRAWING NO.	DRAWING TITLE
B	1	2300	COVER SHEET
B	2	2301	LEGAL DESCRIPTION
B	3	2302	OVERALL PLAN

CITY SIGNATURE BLOCKS

An owner's certificate signed and acknowledged by all persons or corporations having any ownership in the land included in the Site Development Plan plus notary signatures.

1. Property Owner

The undersigned agree that the real property described in the application for Site Development Plan filed herewith, and as shown on the site plan, shall be subject to the requirements of Chapter 18.49 of the Municipal Code of the City of Loveland, Colorado, and any other ordinances of the City of Loveland thereto. The undersigned also understands that if construction of all improvements is not completed and if the Site Development Plan uses are not established within three years of the date of approval, or other completions date or dates established in a development agreement approved by the city, the city may take an action to declare the Site Development Plan abandoned and null and void.

_____
(Owner's Signature)

_____
(Title)

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing agreement was acknowledged before me this _____ day of, _____

20____, by _____

Witness my hand and official seal.

My commission expires:

_____
Notary Public

a. Approved this ___day of _____, 20___, by the Current Planning Manager of the City of Loveland, Colorado.

_____
Current Planning Manager

ENGlobal®
12303 Airport Way, Ste. 145
Broomfield, CO 80021

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NO.	REVISION–DESCRIPTION	DATE	DRAWN	CH'D	ENG. APP'D	OPER. APP'S	SAFETY APP'D
B	ISSUED FOR PERMIT	3/25/13	GFP				
A	ISSUED FOR PERMIT	2/26/13	DMZ				
REFERENCE							

Xcel Energy®
PUBLIC SERVICE COMPANY

COVER SHEET
SPECIAL REVIEW
LARIMER COUNTY 16" WEST MAIN PIPE

M.E. DMZ 02/05/2013
DESIGN DRAWN
ENGR. CH'D
SR. APP. APP'D

SHEET 1 OF 4

ATTACHMENT 2

LEGAL DESCRIPTIONS

GLEN DEVELOPMENT LLC TE PARCEL

A twenty-five (25) foot wide strip of land lying in the Southeast one-quarter (SE1/4) of Section 21, Township 5 North, Range 69 West, of the 6th Principal Meridian, County of Larimer, State of Colorado, being a portion of Outlot 7, plat of DAKOTA GLEN FIRST SUBDIVISION under Reception Number 20080040650, Larimer County Records, described as follows:

Beginning on the west line of said Outlot J, from which the northwest corner of said Outlot J bears N24°03'07"E, 55.92 feet;

Thence N89°53'47"E, 513.08 feet to the east line of said Outlot J;
Thence S00°17'46"E, along said east line, 25.00 feet;
Thence S89°53'47"W, 524.38 feet to the said west line;
Thence N24°03'07"E, along said west line, 27.40 feet to the Point of Beginning.

Containing 12,968 square feet (0.298 acres) more or less.

For the purpose of this description, the basis of bearings is the south line of the said Southeast Quarter, being S89°25'05"W, monumented as shown on the attached illustration.

The author of this description is George A. Robinson, PLS 35593, prepared on behalf of SEH, 350 Union Boulevard, Suite 630, Lakewood, CO 80228, on June 29, 2012, under Job No. 116546-1.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.

COLORADO REGISTERED GEORGE A. ROBINSON 35593 PROFESSIONAL LAND SURVEYOR

George A. Robinson, PLS 35593

EXHIBIT A
PERMANENT EASEMENT, GLEN DEVELOPMENT LLC PARCEL

A fifty (50) foot wide strip of land lying in the Southeast one-quarter (SE1/4) of Section 21, Township 5 North, Range 69 West, of the 6th Principal Meridian, County of Larimer, State of Colorado, being a portion of Outlot J, plat of DAKOTA GLEN FIRST SUBDIVISION under Reception Number 20080040650, Larimer County Records, described as follows:

Beginning on the east line of said Outlot J where the northeast corner of said Outlot J bears N00°17'46"W, 85.53;

Thence S00°17'46"E, along said east line, 50.00 feet;
Thence S89°53'47"W, 513.08 feet to a point on the west line of said Outlot J;
Thence N24°03'07"E, along said west line, 54.80 feet;
Thence N89°53'47"E, 490.49 feet the Point of Beginning.

Containing 25,083 square feet (0.576 acres) more or less.

For the purpose of this description, the basis of bearings is the south line of the said Southeast Quarter, being S89°25'05"W, monumented as shown and described on Exhibit A sheet 2 of 2 attached hereto and made a part hereof.

The author of this description is George A. Robinson, PLS 35593, prepared on behalf of SEH, 350 Union Boulevard, Suite 630, Lakewood, CO 80228, on June 29, 2012, under Job No. 116546-1.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.

COLORADO REGISTERED GEORGE A. ROBINSON 35593 PROFESSIONAL LAND SURVEYOR

George A. Robinson, PLS 35593

NOTES:
SIGNED PERMANENT EASEMENT DOCUMENTS ARE ON FILE WITH LARIMER COUNTY, COLORADO AND WITH PUBLIC SERVICES COMPANY OF COLORADO

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NO.	REVISION-DESCRIPTION	DATE	DRAWN	CHK'D	ENG. APP'D	OPER. APP'D	SAFETY APP'D
B	ISSUED FOR PERMIT	3/28/13	GFP				
A	ISSUED FOR PERMIT	3/28/13	DMZ				

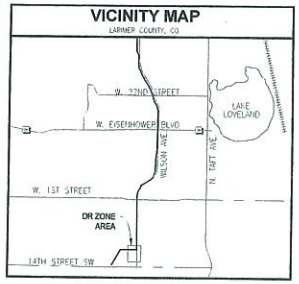
REFERENCE

Xcel Energy™ PUBLIC SERVICE COMPANY

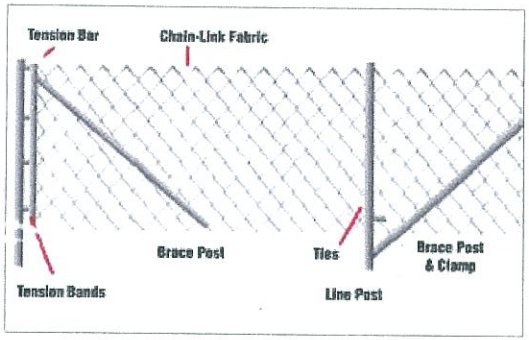
LEGAL DESCRIPTION
SPECIAL REVIEW #904

LARIMER COUNTY | 16" WEST MAIN PIPELINE | COLORADO

M.E.		
DRAWN	DMZ	DATE 6/28/2013
CHK'D		DATE
ENG. APP'D		DATE
OPER. APP'D		DATE
SAFETY APP'D		DATE
CAD FILE	AS NOTED	DATE 6/28/2013
DRAWING NO.	2301	REV. B



Section 21, Township 5N, Range 69W
LOVELAND , COLORADO



TYPICAL TEMPORARY FENCE DETAIL

NOTES:

1. TYPICAL 6 FOOT CHAIN LINK FENCE WITH FABRIC SCREENING (90% KNITTED PRIVACY FABRIC IN GREEN, BLACK, TAN OR BLUE) WILL BE INSTALLED ALONG THE WILSON AVENUE FRONTAGE OF THE TEMPORARY USE AREA
2. FENCESCREEN WILL BE INSTALLED OVER TEMPORARY FENCING PER FENCESCREEN MANUFACTUPER RECOMMENDATIONS

OVERALL PLAN VIEW
SCALE 1" : 50'

SHEET 3 OF 4

REFERENCE	NO.	REVISION–DESCRIPTION	DATE	DRAWN	CHK'D	ENG. APP'D	OPER. APP'D	SAFETY APP'D
	C	ISSUED FOR PERMIT	3/28/13	DMZ				
	B	ISSUED FOR PERMIT	3/20/13	GFP				
	A	ISSUED FOR PERMIT	2/28/13	DMZ				

Xcel Energy™
PUBLIC SERVICE COMPANY

OVERALL PLAN
SPECIAL REVIEW #904
LARIMER COUNTY 16" WEST MAIN PIPELINE COLORADO

M.E.	
DRAWN: DMZ	DATE: 02/05/2013
CHECK:	DATE:
ENG. APP.:	DATE:
OPER. APP.:	DATE:
SAFETY APP.:	DATE:
SCALE: AS NOTED	CAD. FILE: SR904 2302
DRAWING NO. 2302	REV. C

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Item 5 Pipeline DR Zone Narrative

Public Service Company of Colorado (PSCo), an Xcel Energy company, is requesting a Special Review Permit as described in the City of Loveland Land Use Code Chapter 18.40. The Larimer 2013--16" West Main Natural Gas Pipeline Replacement Project (proposed Project) would involve the construction, operation, and maintenance of a 16-inch high-pressure replacement natural gas transmission pipeline that would include underground and aboveground facilities within the City of Loveland's municipal boundaries.

The proposed Project includes approximately 500 linear feet of belowground natural gas pipeline facilities located on private property in the Developing Resource (DR) Zone District as designated by the City of Loveland's current zoning district map.(1) According to the City of Loveland Land Use Code Chapter 18.38.020 (F), essential public utility and public service installation and facilities are permitted within the DR District by special review. The proposed pipeline would cross the DR Zone District in one location, shown in the Vicinity Map on Sheet 1, west of Wilson Avenue.

In addition, PSCo is proposing a temporary use area within the DR Zone District, to be utilized during the pipeline construction process as a staging area for pipe storage, temporary storage for construction equipment, and sanitary facilities for workers during construction in the immediate vicinity. As requested by the City of Loveland, the temporary use area is described herein.

Project Overview

The proposed Project would cross Larimer, Weld, and Boulder counties and several incorporated communities and is approximately 77 miles long. (2) The existing 84-year-old natural gas pipelines have reached the ends of their service lives, require safety upgrades, and cannot reliably keep up with growing system demand to deliver natural gas. The proposed Project would provide high pressure transmission of natural gas with limited distribution systems taps as needed. It would provide an important link to future system upgrades for northern Colorado Front Range communities and would ensure more reliable natural gas delivery to customers in light of growing natural gas demand.

The proposed Project is an important part of PSCo's service plan to upgrade the existing natural gas transmission system along the northern Colorado Front Range with new natural gas pipelines that meet current safety, service, capacity, and reliability requirements while also meeting the increasing demand for natural gas in Larimer County, including the City of Loveland. The upgrade would involve replacing the existing 84-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch pipeline to continue providing reliable, safe natural gas service.

Proposed Facilities in DR Zone District

This application requests approval specifically for the section of the proposed Project that consists of the underground pipeline where it crosses the DR Zone District between Wilson Avenue and the Dakota Glen Planned Unit Development (PUD) within the City of Loveland. The section of the pipeline that crosses the DR Zone District would be located entirely underground. It would be constructed via open trench for approximately 300 feet from Wilson Avenue to a bore pit (3) where boring is conducted, two boring pits/areas (HDD areas) must be located on both sides of the feature as shown in Attachment 2. HDD areas are used for temporary staging/laydown of the boring equipment and natural gas pipe, excavating boring entry and receiving pits, and temporarily stockpiling excavated soil from the pits or open trenching. All boring pits would be backfilled and compacted and each of these use areas restored and revegetated upon completion of the pipe installation. located within the horizontal directional drilling (HDD) area identified in Sheet 3. From the bore pit to beyond the DR Zone District boundary (approximately 200 feet in the DR Zone District), the pipeline would be constructed using boring methods. In open trench areas, major activities associated with pipeline construction would include vegetation clearing, staging materials, pipeline trenching, pipeline installation and welding, pressure-testing, backfilling the pipeline trench, cleanup, re-grading the surface (4) the surface grade would be returned to original contours. , revegetation, and revegetation monitoring. Site restoration would occur according to the provisions of the Stormwater Management Plan (SWMP), which was provided to the City of Loveland on March 22, 2013. Temporary fencing would be utilized around the bore pits and trenches as needed to prevent public access and maximize safety.

PSCo conducted an engineering analysis of the proposed Project (for 2013 construction between Loveland and Fort Collins) to identify necessary temporary use areas. These areas are located near the pipeline route and are spaced to minimize material hauling on local roads, including Wilson Avenue. Distributing temporary use areas throughout the proposed Project in locations where construction activities will be concentrated minimizes the need to haul pipe and other materials from more distant locations to each construction site. This approach reduces local traffic impacts and allows the contractors to complete construction more quickly, a potential benefit to nearby residents and businesses. In total 14 temporary use areas are planned for 2013 construction. These are located on Larimer County lands and within the cities of Fort Collins and Loveland, including one in the DR Zone District.

The temporary use area would be approximately 2.6 acres in size and is also shown on Sheet 3. The temporary use area would be used as a temporary staging area during nearby active construction. The construction contractor would store pipe, park construction equipment, and locate sanitary facilities for workers in this temporary use area. Construction trailers will not be located within this temporary use area or the temporary use area located further north on Wilson Avenue (also the subject of a USR application). The temporary use area would be used for approximately four to six weeks during the construction period when construction will be taking place in the Dakota Glen PUD and along Wilson Avenue near this area. Individual pipe segments would be brought into the temporary staging area and stored for less than one week prior to installing the pipe in the ground. Construction equipment that is used during active construction would be parked in the temporary use area at the end of each work day.

The City of Loveland considers the temporary use area to be an "unsightly area" according to Section 4.04 of the *City of Loveland Site Development Performance Standards and Guidelines* (as amended, August 2007). PSCo proposes to install temporary fencing around the temporary use area as needed depending on the materials stored on site. If required by the City of Loveland, fencing would include a screening fence (likely chain link with fabric) along the Wilson Avenue frontage, as shown on Sheet 3. A photograph of the fencing detail is included as Attachment 1 and the temporary fencing detail is shown on Sheet 3. PSCo would access the temporary use area via an existing two-track road/trail with an existing curb cut along Wilson Avenue. This trail through the DR Zone District is located on private land and is not a designated City trail. (5) The landowner has approved the use of the temporary use area. The storage portion of the site would be delineated south of the trail so as not to block foot access to the trail.

The temporary use area would likely be used for approximately four to six weeks in fall2013. During active construction, an estimated maximum of up to 50 daily trips (in and out) of the construction area would occur. No grading is proposed. Any vegetation would be conserved to the maximum extent practicable. After the period of use is done, any temporary fencing would be removed and site restoration would occur according to the provisions of the SWMP. Wind erosion and dust control best management practices (BMPs) would be implemented according to the provisions of the SWMP.

Required Information about Pipeline Section in the DR Zone District

The following provides information about the underground pipeline through the DR Zone District, as required by the City of Loveland's Special Review checklist, which is the same as the information required in the City of Loveland Land Use Code Section 18.40.015 (items a through h).

a) Type, Size, Amount, and Placement of Landscaping

The pipeline would be located underground; no landscaping is proposed.

b) Height, Size, Placement, and Number of Signs

PSCo would install signs (pipeline markers) in the permanent 50-foot right-of-way to identify that a natural gas pipeline is buried nearby. These markers are required by federal regulations for pipeline safety (49 CFR 192). A typical pipeline marker is shown in Attachment 2. These markers warn local residents living in the area, or future construction contractors performing work in the area, that a natural gas pipeline is present. Markers identify the product carried in the pipeline (such as natural gas), the name of the pipeline operator, the operator's 24-hour emergency contact number, and the area's one-call center number. These markers are approximately 4 feet above ground and occur approximately every 500 feet or in-line of sight, on both sides of road, water, and railroad crossings, and at all changes in direction. Because the pipeline would cross only approximately 500 feet of the DR Zone District, it is likely that only one sign would be needed within the DR Zone District and would be located near Wilson Avenue.

c) Use, Location, Number, Height, Size, Architectural Design, Exterior Materials, and Color of Buildings

The pipeline would be located entirely underground; no buildings are proposed. The only aboveground features would be pipeline marker signs described in question b.

d) Configuration and Placement of Vehicular and Pedestrian Access and Circulation

No public vehicular access to the site is proposed. The trail through the DR Zone District is located on private land and is not a designated City trail. (6) Pedestrian access to the trail would be closed temporarily (likely for a month or less) for public safety during active construction of the pipeline in the immediate vicinity. The landowner also has approved the use of the temporary use area. The storage portion of the temporary use area would be delineated south of the trail so as not to block foot access to the trail.

e) Amount and Configuration of Parking

No parking would occur within the DR Zone District except potentially within the temporary use area.

f) Amount, Placement, and Intensity of Lighting

No lighting would be required.

g) Hours of Operation

The pipeline would be operational 24 hours/day after it is put in service. Because the pipeline would be entirely underground, no pipeline operations would be apparent.

h) Emissions of Noise, Dust, Fumes, Glare, and Other Pollutants

Noise from heavy machinery would be of short duration during construction of the proposed natural gas pipeline. Construction would be limited to the hours between 7 a.m. and 7 p.m. per Larimer County's Noise Level Ordinance No.97-03, and would occur Monday through Friday. Construction may occur on weekends and other hours outside the 7 a.m. to 7 p.m. timeframe on an as-required basis with City approval. Noise levels from equipment would be controlled through the use of standard maintenance procedures and the use of appropriate mufflers. PSCo would comply with the City of Loveland's noise regulations contained in the Municipal Code Chapter 7.32 Sound Limitations.

Construction of the natural gas pipeline and related facilities may generate a temporary increase in fugitive dust. PSCo would comply with state and Larimer County requirements for controlling dust emissions during the construction of the proposed Project. PSCo would employ BMPs for dust suppression, as described in the SWMP. During construction, water trucks would patrol work areas to control dust as necessary depending on weather and dust suppression, weed control, and soil conditioning.

Minimal odors from the proposed Project are anticipated, with the highest likelihood occurring during construction from vehicle exhaust and during periods of maintenance activities when mercaptan may be noticeable. Mercaptan is a chemical injected into the natural gas product, as required by federal regulation, to produce a sulfurous odor ("rotten egg" odor) as a safety measure. It is not anticipated that maintenance activities beyond those already experienced by area residents would be required for the proposed Project.

Glare would potentially be visible from construction vehicles and equipment. Any glare experienced would be temporary in nature and would be similar to other sources of glare that exist in the environment (such as from vehicle on Wilson Avenue and residential streets, and glare from residential building materials).

PSCo has obtained a Storm Water Permit for Construction Activities from the Colorado Department of Public Health and Environment. The drainage plan for the proposed Project would consist of a SWMP and BMPs for the control of stormwater runoff during the construction period. Post-construction, the areas disturbed by trenching and boring activities for the natural gas pipeline would be re-contoured to preconstruction conditions and revegetated as described in the SWMP.

PSCo adheres to the pipeline safety regulations established in the Code of Federal Regulations (CFR) at 49 CFR Part 192 by the U.S. Department of Transportation (DOT) to ensure public protection and to prevent accidents and failures. Specifically, the DOT Pipeline and Hazardous Materials Safety Administration is the federal authority for ensuring the safe, reliable, and environmentally sound operation of pipeline transmission systems under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act).

Attachment 1:Photograph of Typical Fencing Detail for Temporary Use Area

Attachment 2: Photographs of Typical Natural Gas Pipeline Marker Signs

1. City of Loveland, updated November 2012: < http://logic.ci.loveland.co.us/Maps/Zoning2000Scale.pdf>.
2. See Project website for current route maps: < http://www.xcelenergywestmainpipeline.com/west_main/route-maps/route-maps.html >.
3. Where boring is conducted, two boring pits/areas (HDD areas) must be located on both sides of the feature as shown in Attachment 2. HDD areas are used for temporary staging/laydown of the boring equipment and natural gas pipe, excavating boring entry and receiving pits, and temporarily stockpiling excavated soil from the pits or open trenching. All boring pits would be backfilled and compacted and each of these use areas restored and revegetated upon completion of the pipe installation.
4. The surface grade would be returned to original contours.
5. City of Loveland, September 2011: < http://www.ci.loveland.co.us/modules/showdocument.aspx?documentid=1189 >; confirmed by personal communication between Phil Mazur (Western States Land Company) and Janet Burns, City of Loveland Trails Manager 2/25/13
6. City of Loveland, September 2011: < http://www.ci.loveland.co.us/modules/showdocument.aspx?documentid=1189 >; confirmed by personal communication between Phil Mazur (Western States Land Company) and Janet Burns, City of Loveland Trails Manager 2/25/13

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REFERENCE	NO.	REVISION--DESCRIPTION	DATE	DRAWN	CHK'D	ENG. APP'D	OPER. APP'D	SAFETY APP'D
	B	ISSUED FOR PERMIT	3/26/13	GFP				
	A	ISSUED FOR PERMIT	2/28/13	DMZ				

Xcel Energy™ PUBLIC SERVICE COMPANY

LEGAL DESCRIPTION
SPECIAL REVIEW #904
LARIMER COUNTY 16" WEST MAIN PIPELINE COLORADO

A.F.E.		
DRAWN:	DMZ	DATE: 02/05/2013
CHECK:		DATE:
DIS. APP.:		DATE:
OPER. APP.:		DATE:
SAFETY APP.:		DATE:
SCALE:	AS NOTED	CAD. FILE: SR904 2303
DRAWING NO.	2303	REV. B

2013—16" West Main Natural Gas Pipeline Replacement Project— Dakota Glen PUD First Amendment

Environmentally Sensitive Areas Report

Prepared for the City of Loveland

March 2013

Prepared for:

Xcel Energy
PUBLIC SERVICE COMPANY

Public Service Company of Colorado, 1123 West 3rd Ave., Denver, CO 80223

Prepared by:

TETRA TECH

Tetra Tech, Inc., 1099 18th St., Suite 580, Denver, CO 80202

ATTACHMENT 3

Contents

Page

Attachments

Photos

Figures

I. Project Study Area

Public Service Company of Colorado (PSCo), an Xcel Energy company, is requesting a Planned Unit Development (PUD) Amendment as described in the City of Loveland Land Use Code Chapter 18.41. The overall Larimer 2013—16" West Main Natural Gas Pipeline Replacement Project (West Main Project) involves the construction, operation, and maintenance of a 16-inch high-pressure replacement natural gas transmission pipeline. The West Main project encompasses Larimer, Weld, and Boulder counties and several incorporated communities and is approximately 77 miles long. The existing 83-year-old natural gas pipelines have reached the ends of their service lives, require safety upgrades, and cannot reliably keep up with growing system demand to deliver natural gas. The overall West Main project would provide high-pressure transmission of natural gas with limited distribution systems taps as needed. It would provide an important link to future system upgrades for northern Colorado Front Range communities and would ensure more reliable natural gas delivery to customers in light of growing natural gas demand.

The proposed Project includes necessary pipeline and aboveground facilities located on private property within the Dakota Glen PUD in the city of Loveland. Figure 1 is the vicinity map of the proposed Project area and Figure 2 is the overall plan view of the proposed Project area. The proposed Project also includes temporary use areas for staging of construction materials; these areas would be used during the construction period and would be completely restored upon completion of construction. A temporary staging area would be located along Wilson Avenue within the Dakota Glen PUD as indicated in the legal description (Attachment 1). As part of its West Main project, PSCo is proposing to construct, operate, and maintain one new regulator station, referred to as the Estes Park Regulator Station and a natural gas pipeline, in the Dakota Glen PUD. Regulator stations control the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines that serve the local community.

The preferred pipeline route enters the Dakota Glen PUD in the city of Loveland near the intersection of 14th Street Southwest (SW) and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) at the Estes Park Regulator Station (Figure 1). The pipeline exits the Estes Park Regulator Station and heads to the northeast through undeveloped open land within the Dakota Glen PUD. North of the cattail reservoir/detention pond, the pipeline turns due east to Wilson Avenue and continues north on Wilson Avenue. PSCo has obtained a permanent easement of 0.516 acres for this regulator station, and 2.899 acres of permanent easement and 1.412 acres of temporary easement for the pipeline alignment within the Dakota Glen PUD. PSCo has also acquired a temporary easement of 3.510 acres for a temporary use area on the east side of the Dakota Glen PUD adjacent to Wilson Avenue. The plan view of the proposed Project area is provided in Figure 2 and the conceptual site plan for the Estes Park Regulator Station in Figure 3.

The temporary use area within the Dakota Glen PUD would be used as a staging area in which to store pipe, construction trailers, storage trailers, and sanitary facilities for workers. Temporary fencing would be installed around the temporary use area. PSCo would access the temporary use area via an existing two-track road/trail with an existing curb cut along Wilson. The site would be used from mid-April 2013 through March 2014, with heaviest use anticipated in 2013. During active construction, a maximum of up to 50 daily trips (in and out) of the construction area are estimated. No grading is proposed. Any vegetation would be conserved to the maximum extent practicable. After the period of use is done, the temporary fencing would be removed, and site restoration would occur according to the provisions of the Stormwater Management Plan (SWMP) currently being prepared for the proposed Project. The SWMP will be provided to the City of Loveland prior to construction.

The fencing around the temporary use area would temporarily block public access to a portion of a social trail from Wilson Avenue to approximately 280 feet west of Wilson Avenue. The trail (through the DR Zone District) is not a designated trail according to the City of Loveland's current Recreational Trail and Bikeways Map, and is located on private land connecting the Dakota Glen development to the Wilson Avenue area sidewalks.

This application requests approval specifically for the proposed Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary associated with the proposed Project. The proposed Project is an important part of PSCo's service plan to upgrade the existing natural gas transmission system along the northern Colorado Front Range with new natural gas pipelines that meet current safety, service, capacity, and reliability requirements while also meeting the increasing demand for natural gas in Larimer County, including the city of Loveland. The upgrade would involve replacing the existing 83-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch pipeline to continue providing reliable, safe natural gas service.

The Study Area for this Environmentally Sensitive Areas Report (ESAR) includes the proposed Project and the immediate surrounding area as is relevant for each resource or issue of potential concern described in Section II. In general the Study Area includes the proposed Project and the surrounding Dakota Glen PUD.

II. Site Inventory

II.1 Mature Stands of Vegetation

The Study Area for vegetation includes the proposed Project and immediate surrounding landscape. According to a survey conducted for the entire proposed Project including the Dakota Glen PUD in August 2012 (Attachment 1), the plant communities at Dakota Glen wetlands and lake site in the vicinity of the proposed Project consist of a mosaic of palustrine emergent wetlands dominated by stands of reed canarygrass (*Phalaroides arundinacea*) and narrow-leaved cattails (*Typha angustifolia*), hardstem bulrush (*Schoenoplectus tabernaemonti*), alkali bulrush (*Bolboschoenus maritimus*), clustered field sedge (*Carex*

praegracilis), a variety of rush species (*Juncus* spp.), spikerush species (*Eleocharis* spp.), and wetland grasses. There are minor amounts of peach-leaved willow (*Salix amygdaloides*) at sapling size. There is also an overstory layer dominated by plains cottonwood (*Populus deltoides* ssp. *monilifera*) to the east of the wetland on the eastern side of the proposed regulator station site and proposed pipeline route. However, most of the Study Area is generally open with very little shade (see Photo 1).

Photo 1: Looking North across the PUD Area

There are a number of Russian olives (*Elaeagnus angustifolia*), Siberian elms (*Ulmus pumila*), and salt cedar (*Tamarix ramosissima*) saplings in the open area of the Dakota Glen PUD. However, these tree species would be avoided during construction of the proposed Project. The ecotone or transition area between the wetlands and the surrounding uplands within the PUD are dominated by many weedy herbaceous species such as Canada thistle (*Breea arvensis*), field bindweed (*Convolvulus arvensis*), and prickly lettuce (*Lactuca serriola*).

The proposed Project would not affect mature stands of vegetation. The proposed Project site is part of the landscaped PUD and is vegetated by planted grasses including western

wheatgrass (*Pascopyrum smithii*), perennial rye (*Lolium perenne*), crested wheatgrass (*Agropyron cristatum*), and smooth brome (*Bromopsis inermis*).

II.2 Legal or Jurisdictional Wetlands—U.S. Army Corps of Engineers (CWA)

Jurisdictional wetlands and other waters of the U.S. (WoUS) are subject to regulation under the federal Clean Water Act (CWA). A wetland delineation report was prepared for the proposed Project located within the PUD, and is provided in Attachment 2. The mapped wetlands, as well as the proposed Project site are shown in Attachment 2 (Figure 1 in Attachment 2). The proposed regulator station is located in an area that is higher than the surrounding wetlands primarily located to the east and would therefore, not impact wetlands. The proposed pipeline crosses wetland #1 (see Figure 1 in Attachment 2) located along the western portion of the lake. The proposed pipeline would avoid effects to this wetland through the use of boring techniques. The locations of the boring entry/exit locations are shown in Figure 2. As documented in the agency correspondence included in Attachment 3, the U.S. Army Corps of Engineers has indicated that a wetland permit (per the CWA) would not be required. The construction best management practices (BMPs) and site mitigation measures would protect potential impacts to adjacent wetlands during construction and operation of the Project as described in Section IV.

II.3 Wildlife Habitat Areas and Corridors

Wildlife information for the proposed Project Study Area (the proposed Project and immediate surrounding area) is based on field reconnaissance, several field surveys, desktop evaluation, and evaluation of GIS data. The Study Area is within a PUD and no prairie dog colonies exist at the site. No wildlife species were observed during the site visits as discussed below.

Biological Reconnaissance Survey

An initial evaluation of biological resources was performed for the overall West Main project (including the proposed Project) from March 22 to April 1, 2012 (see Attachment 3), through a combination of windshield reconnaissance and pedestrian surveys of publicly accessible land. A one-day follow-up survey was completed April 13, 2012. The objective of the initial evaluation was to provide an understanding of whether suitable habitat exists for sensitive species, including federal and state listed species, bald and golden eagles, and migratory birds, within the overall West Main Project area, defined as a 1,000-foot corridor (500 feet on either side) around the proposed pipeline route. Specifically, the initial evaluation involved identifying and mapping vegetation communities that exist within the West Main Project area, including native and introduced vegetation, and state and county listed noxious weeds; identifying birds (especially raptors/raptor nest sites, burrowing owls, and mountain plovers); identifying reptiles, amphibians, and mammals, with special attention to prairie dog colonies; and identifying other natural and physical features of the landscape, including lakes, streams, riparian areas, wetlands, agricultural lands, and native prairie ecosystems. The

reconnaissance survey indicated that the Dakota Glen PUD area had wetlands and potential habitat for several federally Threatened and Endangered (T&E) Species.

Threatened and Endangered Species Habitat Study

A follow-up survey was performed during August 2012 to further evaluate the T&E species habitat, resulting in a Threatened and Endangered Species Habitat Suitability Assessment and Survey Report for the Ute ladies'-tresses orchid (*Spiranthes diluvialis* Sheviak), the Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*), and the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (PMJM) (see Attachment 1). This report was prepared in connection with the overall West Main Project. The report details habitat suitability for each species at a number of surface water/wetland locations. Potential species identified for the Study Area included Ute Ladies'-Tresses Orchid (ULTO), the Colorado Butterfly Plant (COBP), and the PMJM.

The Colorado butterfly plant is a short-lived perennial herb that is listed as threatened under the federal Endangered Species Act. The plant is only found within a small area of southeastern Wyoming, western Nebraska, north-central Colorado (Larimer County near the Wyoming state line), and in a new site in Westminster, Colorado. Habitat for the Colorado butterfly plant is typified by sub-irrigated alluvial soils on relatively level floodplains and drainage bottoms, often in bends in wide, actively meandering stream channels.

The Ute ladies'-tresses orchid is typically found in sub-irrigated alluvial soils along streams, and in open wet meadows in floodplains. The preferred habitat is open and moist without dense surrounding vegetative cover. The normal flowering period is July 20 to August 31. Potential habitats in the Project area include palustrine emergent wetlands (PEM) and stream banks. The species is not tolerant of long-term standing water and would not successfully compete with species that form dense monocultures, such as cattails (*Typha* spp.) and reed canarygrass (*Phalaroides arundinacea*). It prefers well-drained soils with a high moisture content that may contain some gleying or mottling but that are not continuously anaerobic or permanently saturated. The orchid occurs with grasses, sedges, rushes, and shrubs or riparian trees, such as willows. It rarely occurs in deep shade, preferring open glades or pastures and meadows in full sunlight.

The survey within the Dakota Glen wetlands and the nearby lake did not result in documented observance of ULTO or COBP. However, the site did exhibit some elements of habitat suitability for each of these species, including:

- Presence of several species generally associated with ULTO and COBP habitat
- Site was open and sunny in general
- There is a perennial lake (reservoir) with shoreline habitat

Based on the presence of surface water (i.e., lake site and probable seasonally saturated or inundated wetlands), this site may represent suitable habitat for both ULTO and COBP. Construction of the natural gas pipeline would be placed using boring techniques to avoid

disturbance to the wetland and lacustrine (lake) ecosystems and associated potential ULTO and COBP habitat.

The PMJM is a federally threatened species that occurs only in a band along the Front Range from Wyoming to Colorado Springs, including known occurrences in Larimer County. PMJM trappings are reported by CNHP (2011) in quadrangles that cross the overall West Main Project area, including the Fort Collins and Loveland quadrangles in Larimer County. Distribution of PMJM is typically within 100 meters of 100-year flood plains. Typical PMJM habitat consists of multi-storied riparian vegetation with an understory of grasses and forbs and a canopy of *Salix* spp. or other species. Suitable habitat is typically found adjacent to relatively undisturbed grassland communities (native shortgrass prairie) and a permanent water source. Habitat for the PMJM was judged to be marginal in the area of the proposed Project considering the poor development of a consistent shrub layer at this crossing site, and poor quality native grassland for dispersal.

The proposed Project is located and designed to entirely avoid effects to potential habitat for ULTO, COBP, and PMJM. The U.S. Fish and Wildlife Service provided concurrence that effects to these species can be avoided in a letter dated November 13, 2012 (Attachment 4).

Bald Eagle

Larimer County GIS data document the occurrence of winter and summer range for the bald eagle. Bald eagle habitat is located north of the Study Area within the Big Thompson River corridor and is also associated with lakes and reservoirs near the Study Area (Figure 4). Winter forage areas are located approximately 0.5 mile northwest (Boedecker Reservoir) and approximately 1.25 mile north (Big Thompson River corridor) of the proposed Project. The nearest mapped nest is located approximately one mile southeast of the Study Area.

The bald eagle is no longer federally listed; however, it is a state species of special concern in Colorado, and is protected under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). Colorado Parks and Wildlife (CPW) recommends no surface occupancy within 1,320 feet (0.25 mile) of an active bald eagle nest site, and the recommended buffer for human encroachment is 2,640 feet (0.5 mile) from a bald eagle nest. The proposed Project would not impact any known bald eagle habitat or nest sites.

Migratory Bird Treaty Act

The MBTA (16 United States Code 703-712) makes it unlawful to take any migratory bird, or any part, nest, or eggs of a migratory bird. The list of migratory birds is long and covers virtually all birds in Colorado. The USFWS is responsible for implementing the MBTA.

No birds were observed during the site reconnaissance conducted in March and April of 2012, or the T&E survey performed during August 2012. Larimer County GIS data document the occurrence of foraging areas for the great blue heron and osprey (Figures 5 and 6, respectively). Foraging areas are located approximately 0.5 mile northwest (Boedecker Reservoir), approximately 0.5 southeast (Ryan Gulch Reservoir), and approximately 1.25

mile north (Big Thompson River corridor) of the Study Area. The nearest osprey foraging area is located more than a mile to the southwest at Lon Hagler Reservoir. Larimer County GIS data document the occurrence of habitat areas for snow geese and white pelican (Figures 7 and 8, respectively). The Study Area is located in a winter range and foraging area for snow geese. The nearest foraging areas and overall range for the white pelican are located approximately 0.5 mile northwest (Boedecker Reservoir) and approximately 0.25 southeast (Cattail Ponds). An overall range area for the white pelican is also located approximately 1.25 mile north (Big Thompson River corridor) of the Study Area.

Construction activities for the West Main project are proposed to begin on approximately May 1, 2013, and operation of the replacement facility would begin during the fall/winter season of 2013. The regulator station construction could run concurrently with natural gas pipeline construction. Long-term surface disturbance associated with the Estes Park Regulator Station includes the 0.516 acre permanent easement. The 2.899 acre of permanent easement and 1.412 acre of temporary easement for the pipeline within the Dakota Glen PUD would also incur surface disturbance during construction activities in trenched areas, as well as at boring entry/exit locations. The temporary use area for Project construction would cause temporary surface disturbance to 3.510 acres of the PUD.

Construction effects would include construction noise and removal of vegetation (much of which is non-native based on field reconnaissance). No exterior lighting would be used during construction or operation of the proposed Project. Construction likely would affect wildlife movement patterns only temporarily, and no permanent effects to wildlife life cycle functions would occur. A raptor nest survey will be performed in spring 2013 prior to the initiation of construction activities, and construction crews would observe applicable CPW buffers and timing restrictions.

II.4 Natural Areas Identified in the City of Loveland Natural Areas Inventory Study

The July 2008 Update: City of Loveland Natural Areas Sites was reviewed to determine if the proposed Project would affect designated natural areas. Natural areas are defined as undeveloped lands containing potential natural values such as wildlife habitat, plant diversity, and wetlands. According to the July 2008 Update map, the proposed Project is located adjacent and partially within Site 51 as listed in the July 2008 update. This site is described as follows in the Update:

> ***SITE 51—LAKES NW OF WILSON AVE. AND 14TH ST. SW.*** *Site 51 is the upper portion of a large wetland drainage. The site contains two lakes with residential development to the east. Portions of the shorelines contain narrow fringes of cattails. The western lake appears turbid and has several patches of algae. The poor water quality in this lake may be due to runoff from adjacent agricultural lands. The narrow fringe of cattails will contribute to water quality improvement, however, it's likely that the amount of*

> *wetlands present in the lakes is too small to make a significant difference. Areas of wetlands should be expanded where possible. Existing cattails should be thinned to prevent overgrowth, which would create mosquito habitat. Native trees and shrubs should be established along the shorelines to improve songbird habitat. Runoff from adjacent fields and residential areas should be monitored to determine long-term effects to the aquatic environment. The DOW notes that these lakes are frequently used by pelicans and a variety of ducks. Raptors also perch in the cottonwoods west of the site. (City of Loveland Natural Areas Sites, July 2008 Update).*

The Update ratings table classifies Site 51 with a medium enhancement potential and notes that the site is inactive due to development and preservation. Numerical ratings are further discussed in Section III.

The proposed Project would be constructed entirely outside the delineated wetland areas as discussed further in Section II.2. Construction of the proposed Project would not impact wetlands or other identified natural amenities including wildlife and vegetation as described in Sections II.1 and II.3. The identified amenities associated with Site 51 would be supported with the BMPs and proposed mitigation described in Section IV.

II.5 Physical Linkages to Other Natural Areas or Open Spaces

The proposed Project is located near wetlands, a lake, and surrounding open areas that provide a link with the Home Supply Ditch located along the northern edge of the PUD property. The irrigation ditch links Boedecker Lake with the Cottonwood Natural Area and the Big Thompson floodplain corridor to the north. The wetland, lake, and surrounding open area provide a link with an adjoining drainage area to the south which also adjoins a rural area of Larimer County including a city and county open space (Lon Hagler SWA) and a county conservation easement (Lazy J Bar S CE).

The proposed regulator station would be constructed entirely within a small portion (0.516 acre) of the linkage area and would not impact the ability of the overall area to function as a physical linkage. The regulator station facility would not be fenced, and would not cut-off the greater open area that includes the wetlands, trees, and lake. The pipeline would be constructed entirely underground and would not impact the physical linkage during operation of the Project. Construction BMPs and mitigation are described in Section IV.

II.6 Existing Drainage Patterns and Floodway and Flood Fringe Boundaries

There are no floodplains or floodways in the Study Area and the Study Area does not have a perennial flowing stream system. The existing Study Area wetland and lake system has been reworked as part of the development of the Dakota Glen PUD. The general landscape slopes very shallowly to the northeast and includes a regional northeast-trending drainage and a more local east-trending drainage inlet to the lake. The regional drainage is associated with

the wetland and lake that are a continuation of drainage features located across SW 14th Street SW to the south/southwest. The wetland (Wetland #4 on Figure 1, Attachment 2) associated with the regional drainage is a depressional wetland in an area that was formerly inundated by a man-made lake. The wetland appears to be supported by seasonal inundation and/or near-surface groundwater. During the wetland survey date (August 20, 2012), no standing surface water was evident in the Study Area wetlands. Surface water was present in the lake and in Home Supply Ditch further to the north, outside the PUD boundary.

The drainage inlet to the lake is also associated with a wetland (Wetland #1, on Figure 1 Attachment 2) located along the west side of the lake. The lake outlet drains to the north into the Home Supply Ditch. Drainages outside the Study Area trend northeast toward an eventual junction with the Big Thompson River northeast of the Study Area. The natural gas pipeline would be bored under: a wetland along the western edge of the lake associated with the drainage inlet to the lake, and a storm drain along the northern PUD boundary (see Figure 2).

II.7 Irrigation Canals and Ditches

The proposed Project would not impact irrigation canals or ditches. A regional drainage that trends northeast is located immediately east of the proposed regulator station site as discussed in Section II.6. The proposed natural gas pipeline would be bored under the local drainage inlet to the lake as shown in Figure 2. The George Rist Ditch is located approximately 0.4 mile south of the site, and the Home Supply Ditch that originates at Boedecker Reservoir is located just north of the PUD northern boundary. The Home Supply Ditch would be crossed by the natural gas pipeline outside the PUD within the Wilson Avenue right-of-way.

II.8 Water Courses

The proposed Project is not located in the immediate vicinity of any significant natural water courses. Drainage and surface water features in the Study Area are discussed in Section II.6.

II.9 Existing Slopes over 20%

Slopes in the general Study Area are shown on Figure 9. None of the existing slopes in the Study Area or immediate surrounding area is greater than 20 percent.

II.10 Soils Having a High Water Table or Being Highly Erodible

Soil erodibility in the Study Area is shown on Figure 10. No highly erodible soils occur in the Study Area or the surrounding area. A high water table is not indicated according to the wetland delineation. The proposed regulator station is adjacent to delineated wetlands as further discussed in Section II.2. The proposed natural gas pipeline would be bored under wetlands and the drainage inlet area to the lake.

II.11 Land Formerly Used for Landfill Operations or Hazardous Industrial Use

The proposed Project is located within the Dakota Glen PUD. There is no available information to suggest that a landfill or industrial activities occurred in the Study Area. Any requirement for additional information regarding potential landfill operations or hazardous industrial use was waived by the City of Loveland during a meeting held between PSCo and city representatives on January 31, 2013.

II.12 Fault Areas

As shown on Figure 11, the proposed Project is located in an area of low geologic hazard. A geotechnical study was performed during December 2012 and included a boring at the proposed regulator station site (see Attachment 5). According to the site boring, shale bedrock is present approximately 12 feet below ground surface, and is overlain by clay and clayey sand. The geotechnical study provides specific recommendations for design of the facility in relation to the site soil and bedrock information. The geotechnical study does not indicate the presence of soil or geologic conditions that would prevent or seriously affect construction or operation of the regulator station facility or pipeline.

II.13 Aquifer Recharge and Discharge Areas

The Study Area is not located within or adjacent to an important aquifer recharge or discharge area. Site drainage is discussed in Section II.6. The area shallow aquifer likely is affected primarily by local topographic features as well as the characteristics of the uppermost unconsolidated soil and geologic strata as described in Attachment 5. Groundwater was encountered in the Study Area in December 2012 at approximately 8 feet below ground surface at an interface with a clayey sand layer.

II.14 Operating High Water Line (as defined in Loveland's Open Lands Plan, pg. 25)

As discussed in Section II.6, the Study Area is not in the vicinity of floodplains or floodways. In addition, the proposed Project would not require water or water facilities for its operation.

III. Assessment of Potential Impacts of Proposed Development

As discussed in Section II, the proposed Project would not adversely affect any environmentally sensitive resources. Protection and mitigation measures that will be implemented during construction and operation of the proposed Project are described in Section IV.

The Study Area is located adjacent to and partially within the Site 51 natural area. The Update ratings table classifies Site 51 with a medium enhancement potential and notes that the site is inactive due to development and preservation. Numerical ratings range from low (1) to high (10). In general, the ratings indicate that Site 51 is characterized by medium quality plant and wildlife habitat. The potential for occurrence of raptors is lowest with a rating of 3, while the potential for waterbirds is highest with a rating of 6.

The ratings for Site 51 are as follows:

- Overall Habitat: 5
- Wetland: 4
- Animal Diversity: 4
- Plant Diversity: 4
- Songbird: 4
- Raptor: 3
- Waterbird: 6
- Mammal: 4
- Herptile: 4

As previously discussed, the Study Area has been partially developed for residential use. Open areas surrounding the lake and wetlands have been landscaped. The proposed Project would avoid impacts to wetlands and potential sensitive or T&E animal and plant species. Prairie dogs are not present in the Study Area, and other wildlife was not observed during site biological reconnaissance, or field surveys. The role of the area as a north/south wildlife linkage would not be affected. Mature vegetation would not be disturbed and therefore, adverse effects to songbirds are not expected. No adverse effects to water birds are indicated because the lake and wetlands would not be disturbed by the proposed Project.

IV. Recommendation: Protection Measures, Mitigation, Enhancement

Major activities involved in Project construction would include surveying, BMP installation, vegetation clearing, staging materials, grading, installation of the regulator station and natural gas pipeline facilities including the building and gravel maintenance parking area, pressure-testing, site cleanup, revegetation, and revegetation monitoring.

IV.1 Water Quality and Hydrology

PSCo would obtain a Storm Water Permit for Construction Activities from the Colorado Department of Health and Environment (CDPHE) prior to construction. The drainage plan for the proposed Project would consist of a SWMP and BMPs for the control of stormwater runoff during the construction period. Measures that would be employed to protect surface water and control erosion are provided in Attachment 6.

All wetlands adjacent to the proposed Project easements would be flagged/marked prior to the initiation of construction activities to ensure that these features are not disturbed during construction activities. Construction BMPs would be implemented to avoid altering wetland hydrology, existing natural vegetation, and wetland functions. Waterways and drainages would be protected with BMPs described in Attachment 6.

IV.2 Vegetation

Effects to vegetation from the proposed Project would be permanent for the regulator station facility area (gravel area and aboveground facilities and building) as shown in Figure 3. There would also be temporary effects associated with construction in the easement area of the regulator station and pipeline as shown in Figure 2. The proposed Project would not permanently or adversely affect native vegetation communities, and no unique or high-quality vegetation or riparian communities have been identified within the easements that would be used for the proposed Project. Construction equipment would disturb existing vegetation within the proposed Project easements. BMPs would be implemented as described in Attachment 6 to minimize or mitigate soil erosion and to revegetate any areas disturbed during construction of the proposed Project. PSCo also would follow the Weed Management and Revegetation Plan provided in Attachment 7.The Plan includes a preconstruction survey for noxious weeds and follow-up monitoring to ensure revegetation is successful. A seed mix consisting of drought-tolerant native grasses would be included in the SWMP for the revegetation of disturbed areas surrounding the graveled area and aboveground facilities and building, as well as the underground natural gas pipeline as shown in Figure 2. Construction activities would not take place on any areas outside the proposed Project easements and the temporary staging area as shown in Figure 2.

The proposed regulator station building would be designed and constructed to match the existing Dakota Glen PUD pump station.

IV.3 Air Quality

PSCo would comply with state requirements for controlling dust emissions during the construction of the overall West Main project. Because the size of the construction area for the overall West Main project is greater than 25 acres, PSCo would be required to obtain a General Construction Permit from CDPHE and prepare a Fugitive Dust Plan and Air Pollution Emission Notice (APEN). The Fugitive Dust Plan would be completed and the APEN would be obtained prior to the initiation of construction activities.

Construction activities, such as vehicles driven over unprotected ground, general disturbance to vegetated areas, or soil stockpiles susceptible to winds, can cause fugitive dust. During construction, PSCo would implement dust control measures such as speed limits for construction vehicles; water application to disturbed areas, dirt access roads, and stockpiles; erosion control techniques; and revegetation of ground disturbance following construction with a drought-tolerant seed mixture. Water would be used daily, or as needed, for dust suppression and soil compaction.

IV.4 Waste Management

Construction, operation, and maintenance activities involving PSCo or its construction contractor bringing any hazardous materials onto the Project site would comply with applicable federal, state, and local laws and regulations regarding the use of hazardous substances. In its contract with the construction contractor, PSCo would require that the contractor comply with applicable laws.

Fueling requirements would be met prior to arrival at the construction site. No bulk fuel storage would occur on site. Fueling vehicles would be equipped with spill kits and fire extinguishers and personnel would be properly trained in spill prevention, control, and countermeasures. No vehicle maintenance would occur on site, and appropriate BMPs would be utilized and documented if on-site maintenance becomes necessary.

Construction and operation and maintenance activities would follow BMPs for the management of wastes to avoid and minimize impacts from potential spills or other releases to the environment. A summary of BMPs to protect water resources from potential contamination is provided in Attachment 6. Adverse impacts from the release of construction or operations wastes are not expected.

IV.5 Emergency Procedures

PSCo owns and operates an extensive network of natural gas pipelines that delivers natural gas to customers in residential and business areas and to local gas distribution companies. Providing safe and reliable natural gas requires PSCo to have quick access to maintain or repair pipelines, related facilities, and ROWs.

In addition, PSCo adheres to the pipeline safety regulations established in 49 CFR Part 192 by the DOT (U.S. Department of Transportation) to ensure public protection and to prevent accidents and failures. Specifically, PHMSA (Pipeline and Hazardous Materials Safety Administration) is the federal authority for ensuring the safe, reliable, and environmentally sound operation of pipeline transmission systems under the PIPES Act (Pipeline Inspection, Protection, Enforcement and Safety Act of 2006).

The proposed Project is located in Loveland's Fire Protection District. The fire district would be notified of construction activities when they commenced, and on-site personnel would not be required during construction or operation of the pipeline.

IV.6 Wildlife

A raptor nest survey will be performed during the spring of 2013 prior to the initiation of construction activities. All wetlands and other sensitive wildlife habitat adjacent to the proposed Project easements will be flagged/marked prior to the initiation of construction activities in order to ensure that these features are not disturbed during construction activities.

V. References

CNHP (Colorado Natural Heritage Program). 2011. ArcMap Geodatabase., Statewide Elements by Quad, Preble's Meadow Jumping Mouse. <http://www.cnhp.colostate.edu/download/gis.asp#element>. Accessed March and April 2012.

City of Loveland 2008. City of Loveland Natural Areas Sites—July 2008 Update. Prepared by Cedar Creek Associates for the City of Loveland. July 2008.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 S. WADSWORTH BLVD
LITTLETON, COLORADO 80128-6901

May 22, 2012

Mr. Patrick Murphy
Tetra Tech
1099 18th Street
Suite 580
Denver, CO 80202

RE: Xcel West Main 2012 Natural Gas Project
Corps File No. NWO-2012-1293-DEN

Dear Mr. Murphy:

Reference is made to the above-mentioned project on behalf of Public Service Company of Colorado to directional bore 76 aquatic sites consisting of streams, wetlands and ditches. This work is located in Larimer and Weld Counties as identified in your May 18, 2012 report to Mr. Terry McKee of my office.

This project has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States.

Based on the information provided, a Department of the Army (DA) Permit will not be required for work on this project. Although a DA Permit will not be required for the project, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

If there are any questions call **Mr. Terry McKee** of my office at **(303) 979-4120** and reference **Corps File No. NWO-2012-1293-DEN**.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

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ATTACHMENT 4