

GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

November 20, 1991

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of November, 1991, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, John Bennett, Bill Bessinger, Bill McCurry, Reford Theobold, and President of the Council Conner Shepherd. Councilman Paul Nelson was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Deputy City Clerk Teddy Martinez.

Council President Shepherd called the meeting to order, and Councilman Baughman led in the Pledge of Allegiance.

INVOCATION - Rev. Andrew Gebbie

CONSENT AGENDA

Mayor Conner Shepherd announced that Item 3, MCEDC REQUEST FOR FORMAL CITY COUNCIL APPROVAL OF THE FRAME CO ECONOMIC DEVELOPMENT INCENTIVE, be removed from the consent agenda.

CONSIDERATION OF MINUTES

Upon motion by Councilman McCurry, seconded by Councilman Theobold and carried, the minutes of the November 6, 1991, City Council Meeting were approved as submitted.

CONTRACT WITH MESA COUNTY FOR BUILDING DEPARTMENT SERVICES

Upon motion by Councilman McCurry, seconded by Councilman Theobold and carried, the Contract with Mesa County for Building Department Services was approved.

PROPOSED ORDINANCE REPEALING AND REENACTING CHAPTER 24, CODE OF ORDINANCES, SALES AND USE TAX

The following entitled proposed ordinance was presented: REPEALING AND REENACTING THE CITY OF GRAND JUNCTION CITY RETAIL SALES AND USE TAX ORDINANCE. Upon motion by Councilman McCurry, seconded by Councilman Theobold and carried, the proposed ordinance was passed for publication.

AWARD OF CONTRACT FOR CONSTRUCTION OF NEW FIRE STATION BUILDING - \$428,540

Upon motion by Councilman McCurry, seconded by Councilman Theobold and carried, bids were accepted on the Contract for Construction of a New Fire Station to be located at Mantey Heights, the Contract was awarded to Burke Construction in the amount of \$528,540, and the City Manager was authorized to sign said Contract.

PROPOSED ORDINANCE - FINAL PLAT AND PLAN AND ZONING OF DRYCHESTER II, INC., ANNEXATION (PACE WAREHOUSE) TO PC (PLANNED COMMERCIAL), LOCATED AT 29-1/2 ROAD AND NORTH AVENUE

A hearing was held after proper notice on the petition by Drychester Retail II, Inc. for approval of a final plat and plan for a shopping center (Pace) of approximately 150,000 square feet on the 14 acres, and to zone various properties. The developers are proposing the annexation of approximately 30 acres at the northwest corner of North Avenue and 29-1/2 Road. The petition for annexation has been accepted and will continue through the process. The petitioners are requesting that 14 acres of the above, along North Avenue, be rezoned from the current County zoning of C (commercial) and R-4 (residential) to a City zoning of C-1 (light commercial). Zoning on the remainder of the 30 acres would follow annexation.

City Planner Kathy Portner reviewed the petition. She explained that the petitioner has requested that the property be rezoned from a County Commercial Zone, and a County Zone of R-4 (residential) to C-1 (Light Commercial) Zone. The City Planning Staff recommended that the zoning be PC (Planned Commercial) to offer more flexibility and control over the property. The petitioners have agreed to the PC zoning. The petitioner has requested signage over the 40 ft. limit given in the Sign Code. Staff recommends monument signage (ground level signs). A decision would need to be made by the Board of Adjustment and Appeals.

The following recommendations were made by the Planning Commission Staff at its November 19 hearing:

1. In accordance with the North Avenue Corridor Guidelines, staff recommends the property be zoned Planned Commercial (PC) instead of C-1 to better control the future development or redevelopment and provide additional flexibility in site design.

2. As per section 5-5-1.H. of the Zoning and Development Code a wall, screen fence, or screen planting of a year-round nature, six feet in height must be provided around the perimeter of the parking lot adjacent to residential zoning and/or uses. This would include the north boundary of the property along Bunting Avenue from 29-1/2 Road to the driveway and along the west property line. Landscaping will be incorporated along both sides of the fence or wall line.

2. Staff has a concern with allowing access onto Bunting since it is designed as a local residential street. The use of Bunting for the development will negatively impact the adjoining residential zoning and uses. However, if access is allowed onto Bunting Avenue, as shown on the revised site plan, truck traffic will be routed to the North Avenue access and not allowed to use Bunting.

4. Bunting Avenue will require full local commercial street

improvements from 29-1/2 Road to just west of the proposed driveway onto Bunting to accommodate the increased traffic. An additional 6 feet of right-of-way will be required along Bunting. Full right-of-way for the remainder of Bunting Avenue to 29-1/4 Road will be required to be dedicated on the plat. Funds for half street improvements must be escrowed for the remainder of Bunting Avenue. The petitioner must work with the City Engineer to resolve the site distance problem at the intersection of 29-1/2 Road and Bunting.

5. Additional right-of-way for 29-1/4 Road must be dedicated on the plat.

6. Half street improvements and other widening along 29-1/2 Road necessary to accommodate the increased traffic will be required. Those improvements will include left turn lanes at the intersections and signalization at North Avenue.

7. Additional right-of-way must be dedicated along North Avenue and all necessary improvements completed by the petitioner as required by the State Department of Transportation and City. Those improvements will include median work, turn lanes and accel/decel lanes. After reviewing the revised plan, the State is now requiring that the main entrance be moved to facilitate the movement of vehicles off the highway to prevent the queuing of vehicles in the traveled way. Final design must be approved by the State and the City and a State Access Permit will be required.

8. There are still some issues to be resolved concerning drainage. The final grading and drainage plan must be approved by the City Engineer and Grand Junction Drainage District prior to recording of the plat.

9. The final improvements agreement and guarantee must be approved by the City prior to recording the plat.

10. Perimeter berming with landscaping should be incorporated onto the parking lot design, along North Avenue and Bunting Avenue. One more row of islands should be included in the west half of the lot to further break up the continuous asphalt. All islands must have raised curbing. The vegetative ground cover should be a low water use variety. There are a few mature cottonwood trees on the perimeter of the property that should be saved if possible. Site distance triangles at all intersections and driveways must be preserved.

11. All technical concerns on the plat must be resolved prior to the recording.

12. The maximum free standing sign height allowed is 40 feet. The free standing sign should be a monument style sign rather than a pole sign as proposed to improve the appearance of the corridor.

13. The Pad site will require site plan review by the Planning

Commission when developed.

14. All other technical concerns must be addressed prior to recording of the plat and site plan.

Mr. Don Slack, 7935 E. Prentiss, Suite #103, Englewood, Colorado, representing Drychester II, Inc., was present to answer questions of Council. He also commented on the proposed signage and drainage problems.

Mr. Craig Roberts, member of the City Planning Commission, was present to recap concerns voiced at the November 19 Planning Commission meeting. He stated that the plat was accepted by the Commission as well as the annexation and the PC Zone. The site plan was not accepted. Mr. Roberts noted that the site is an assembled parcel of ground (30 acres). Drychester, Inc., assembled the site will all of its problems, with its size, and now the company says the site does not work because it is not large enough to accommodate the drainage. He also stated that the City has Commercial property inside the City limits to last for 100 years (400 acres) according to various studies that have been completed recently. He was concerned about the impact on the residential properties located north of the site.

Mr. Roberts continued that attempting to rearrange the building and rearranging access to the site is placing a major burden on the City's Engineering staff in trying to realign the building to allow for proper drainage on the property, and coming up with a workable traffic pattern. He felt that neither the landscape plan nor the signage have been sufficiently addressed. He felt all options regarding this site have not been explored.

Mr. Slack stated that the site plan presented at the November 19, 1991, Planning Commission hearing has been amended for this evening's meeting to address some of the Planning Commission concerns. he will take the site plan back to Pace for further consideration.

Public Works Director Jim Shanks gave input regarding the site plan (drainage ditch, loading docks, ingress/egress on Bunting Avenue for truck traffic, entranceway to building, pedestrian crossings, traffic signalization on North Avenue, etc.).

There were no other opponents, letters or counterpetitions. The hearing was closed.

The following entitled proposed ordinance was presented: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY AT THE NORTHWEST CORNER OF 29-1/2 ROAD AND NORTH AVENUE. Upon motion by Councilman Theobald, seconded by Councilman McCurry and carried with Council members SHEPHERD and BAUGHMAN voting NO, the proposed ordinance was passed for publication, and the final plat and plan, including Staff comments 1-14 listed above, was approved with the following amendments:

1. Amend Item #4 to delete the fourth sentence dealing with the requirement that funds for half street improvements be escrowed for the remainder of Bunting Avenue;
2. Amend Item #12 to allow the sign up to 40 feet, and delete the remainder requiring it to be a ground monument;
3. Add an Item #15 which would require three additional landscaping islands in the parking lot, to be with a proportionate increase in the number of trees;
4. Add an Item #16 requiring that the store entrance be a minimum of 150 feet from the southern most portion of the North Avenue access.

RESOLUTION NO. 59-91 STATING THE OFFICIAL POSITION OF THE CITY OF GRAND JUNCTION ON THE PROPOSED TRANS COLORADO GAS TRANSMISSION PIPELINE PROJECT

The proposed TransColorado pipeline would cross the slopes of the Grand Mesa, including portions of the Somerville Ranch, the Whitewater and Kannah Creek drainage basins, and both the Kannah Creek and Purdy Mesa water transmission pipelines. The proposed project may have environmental impacts to the City's present and future water supply and visual impacts to the slopes of the Grand Mesa.

The following Resolution was presented: (Full copy in P.R.). Upon motion by Councilman McCurry, seconded by Councilman Bessinger and carried by roll call vote, the Resolution was passed and adopted.

HEARING - PROPOSED ORDINANCE - SANITARY SEWER DISTRICT NO. 36-91 ASSESSMENTS

A hearing was held after proper notice on the Sanitary Sewer District No. 36-91 Assessments. City Property Agent Tim Woodmansee stated a hearing on the assessments will be held on December 4, 1991. He stated that the project involves the installation of approximately 2870 feet of sanitary sewer line to serve the majority of O'Nan Subdivision. A petition was filed by 82% of the property owners in the subdivision requesting the formation of the Sanitary Sewer District. Construction began in mid-July and was completed the week of September 4, 1991. The total project cost is \$159,757.05. The original estimate was \$162,486. Mr Woodmansee went on to state that when creating the District, City Council agreed to share a portion of the construction costs, and approved \$78,000 from the General Fund to serve that purpose. The remaining amount of \$81,757.05 is to be allocated on an equal basis to the 30 lots within the District, resulting in a per lot assessment of \$2,096.33. An associated cost for this District is the Plant Investment Fee which is required for each property owner to actually hook up to the sewer. Since this is an Improvement District, the property owners will be allowed to include the \$750

Plant Investment Fee in their assessment to be paid over a 10-year period. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was presented: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-36-91, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT. Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - RIGHT-OF-WAY VACATION AT 550 OURAY AVENUE

The City Parks and Recreation Department, on behalf of the Older American Center, is requesting to vacate the western 10 feet of the 6th Street right-of-way from Ouray Avenue north to the east-west alley to allow for expansion of the Center. Planner Kathy Portner reviewed the petition. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was presented: VACATING A PORTION OF THE 6TH STREET RIGHT-OF-WAY BETWEEN OURAY AND CHIPETA AVENUES. Upon motion by Councilman Baughman, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

HEARING - WILSON RANCH ANNEXATIONS NO. 1, 2, AND 3 LOCATED AT 25-1/2 ROAD AND G-3/8 ROAD CONTAINING APPROXIMATELY 25.4 ACRES - RESOLUTION NO. 75-91 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

A hearing was held after proper notice on the Wilson Ranch Annexations No. 1, 2, and 3 located at 25-1/2 Road and G-3/8 Road, containing approximately 25.4 acres. This item was reviewed by City Planner Karl Metzner.

RESOLUTION NO. 59-91

STATING THE OFFICIAL COMMENTS OF THE CITY OF GRAND JUNCTION ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED TRANSCOLORADO GAS TRANSMISSION PIPELINE PROJECT

WHEREAS, TransColorado Gas Transmission Company is proposing to construct and operate a natural gas pipeline from Meeker, Colorado to Bloomfield, New Mexico; and

WHEREAS, in accordance with the National Environmental Policy Act, an environmental impact statement (EIS) must be prepared for

projects that are projected to have a significant impact on the quality of the environment; and

WHEREAS, a Draft EIS, which allows for comments by affected interests prior to the issuance of a Final EIS, has been prepared under the direction of the Montrose District Office of the Bureau of Land Management (BLM) and the United States Forest Service; and

WHEREAS, the Draft EIS explains that the proposed project would traverse the slopes of the Grand Mesa, including portions of the Somerville Ranch owned by the City, the Whitewater Creek, Kannah Creek and the North Fork of Kannah Creek drainage basins, and both the Kannah Creek and Purdy Mesa water transmission pipelines, all of which provide the domestic water supply for the City; and

WHEREAS, in order to be considered in the Final EIS, written comments on the Draft EIS must be received by the BLM on November 22, 1991.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the following questions and comments, which in some instances contain direct citations from the Draft EIS, shall be submitted to the BLM for consideration in the Final EIS:

1. REQUEST FOR COOPERATING AGENCY STATUS: The City is both owner and manager of lands, water rights and waterworks affected by the proposed project and, as such, has special knowledge of the affected area. Furthermore, because the proposed project would require the issuance of a Watershed Permit from the City, the City has discretionary authority over the project. The City therefore requests cooperating agency status in the NEPA review to support its decision-making role in the proposed project.

2. VISUAL IMPACTS: The proposed pipeline where it would traverse the northwest shoulder of the Grand Mesa "crosses areas of moderate to high landslide susceptibility and represent a high risk of impact from pipeline construction" (pp. 99-101, DEIS). "In the Grand Junction and Palisade areas, residents are concerned about the visual effects of the pipeline on the western flank of the Grand Mesa and about impacts on municipal water supplies in the Palisade municipal watershed" (p. vi. DEIS).

The Draft EIS has evaluated the visual impacts of the proposed project based solely on the existing BLM visual resource management classification (Class III). The Class III designation does not appear to adequately represent the importance of the Grand Mesa as a visual resource, which is one of a half-dozen most sensitive visual environments on the pipeline route. The visual objectives in these classes allow for management activities which are not visually evident and which will not attract the attention of the casual observer. Additionally, the City is working cooperatively with the Grand Junction District Office of the BLM

to create a Special Management Area for the western slopes of the Grand Mesa. The objectives of the impending Special Management Area plan cannot be obtained with the visual analysis/impacts/mitigation practices outlined in the Draft EIS.

To more fully address impacts to visual resources, the Final EIS should contain or address the following:

1. A pictorial analysis showing views of the affected area in its present condition and simulated views after construction from representative vantage points;
2. A Visual analysis of the pipeline on the aesthetic quality of the landscape from nearby as well as distant vantage points;
3. Specific and detailed descriptions of methods and practices to be implemented for mitigation of visual impacts, and where visual impacts cannot be mitigated;
4. Would the pipeline ROW have a noticeable effect on the quality of the slopes of the Grand Mesa landscape?;
5. From what vantage points will the pipeline ROW be noticeable?;
6. A visual analysis which considers the regenerative potential of existing tree species, especially the pinyon-juniper community, and consider the view in different seasons;
7. For how many years would the ROW remain noticeable?

3. TOPOGRAPHY/GEOLOGY: "The topography varies from level, gently sloping valley floors to flat mesa tops. The route skirts the Grand Mesa, which is the largest flat-topped mountain in the world. Several geologic hazards were reviewed as potential concerns to the proposed and agency preferred routes. The proposed and agency preferred routes would cross areas that have documented landslide incidents or areas that have a moderate to high landslide susceptibility" (p. 99, DEIS).

The landslide features on the Grand Mesa crossed by the proposed and agency preferred routes comprise 8.3 miles of landslide deposits and 1.7 miles of active landslide areas (p. 100, table 3-2, DEIS). "Landslide deposits are areas underlain by landslide debris which do not show evidence of recent movement" (p. 100, DEIS). Active landslide areas show evidence of recent landslide movement based on field observation of disrupted vegetation. These areas represent a high risk for impacts from pipeline construction and may require special mitigation measures" (p. 100, DEIS).

The proposed and agency preferred route would encounter steep slopes (defined as those 15 percent or greater, p. 99, DEIS), on portions of the Grand Mesa. On Grand Junction City property, these slopes exceed 40% (Figure 3-1, DEIS). "Steep slopes increase the soil erosion hazard" (p. 108, DEIS). "Soil stabilization and

revegetation after disturbance may be difficult along several portions of the proposed and agency preferred routes because of constraints caused by steep slopes, soil chemistry limitations on plant growth, sparse precipitation, and excessive rockiness" (p. 108, DEIS).

Soils on the affected portion of the City watershed property, in addition to being on slopes in excess of 40%, are "stony, shallow soils . . . that cannot be routinely removed by trenching equipment encountered along the route" (pp. 108-109, DEIS). In addition, the proposed Grand Mesa route is in contradiction to BLM planned management actions (BLM 1987c) to "ensure that no surface occupancy will be allowed on slopes greater than 40%" (p. 105, DEIS). The proposed and agency preferred route where it crosses steep slopes on the Grand Mesa is in contradiction to the aforementioned BLM planned management action.

The Final EIS should:

1. Provide specific, detailed information regarding the precautions and methods of construction that will be utilized to stabilize steep slopes and landslide areas.
2. Describe in detail the precautions and methods of construction that will be utilized to protect the pipeline from breaks or ruptures where it crosses steep slopes and landslide areas.
3. Describe in detail the potential for future landslides caused as a result of pipeline construction.
4. GRAND JUNCTION WATER SUPPLY: The description of the Grand Junction water supply system, on page 106 of the DEIS, is inadequate as it does not accurately describe the portion of the City's watershed in the Whitewater Creek drainage basin. The DEIS fails to recognize that the City has acquired substantial water rights and landholdings in this drainage basin, and intends to utilize these water rights to supplement its present water supply in the Kannah Creek and North Fork of Kannah Creek drainage basins for future growth in the largest urban area in the Upper Colorado River basin. In addition, the proposed and agency preferred route would cross the Kannah Creek and Purdy Mesa water transmission pipelines, both of which provide domestic water to the City of Grand Junction and the Clifton Water District.

"The BLM has developed a planned management action for municipal watershed protection to limit surface-disturbing activities in the . . . Grand Junction municipal watersheds (BLM 1987c)" (p. 105, DEIS). The proposed and agency preferred route where it crosses the Grand Junction municipal watersheds is in contradiction to the aforementioned BLM planned management action.

The Final EIS should provide more detailed and specific information regarding impacts to the Grand Junction municipal watersheds caused both during and after construction, including:

1. How will the pipeline intersect with the Kannah Creek and Purdy Mesa water transmission pipelines?;
2. What precautions will be implemented to protect these water transmission lines both during and after construction?;
3. What precautions will be implemented to protect the gas pipeline from rupture in case of water transmission line rupture?;
4. Describe in detail the impacts caused by inflow of natural gas (caused by rupture) into these water transmission pipelines. This should include an evaluation of all of the consequences of this occurrence as it relates to the community's dependence on these water delivery systems;
5. Will pipeline construction cause erosion and consequent sedimentation of Sink Creek, Whitewater Creek and their tributaries? To what degree?;
6. If revegetation is only partially successful, would continued erosion affect hydrology and water quality of Sink Creek, Whitewater Creek and their tributaries?;
7. What is the potential for uncontrolled wildfire caused by pipeline rupture, and what impact will this have on Sink Creek, Whitewater Creek and their tributaries?;
8. How will landslides caused by pipeline construction affect Sink Creek, Whitewater Creek and their tributaries?;
9. What constraints would the pipeline present to the City's ability to capture and deliver water from the Sink Creek and Whitewater Creek drainage basins to the Grand Junction urban area?
10. The Draft EIS does not address site-specific impacts caused by construction or the long-term effects which have the potential of causing pollution to the Grand Junction municipal water supplies and supply system. The Final EIS should describe the probability and potential for leaks, spills and ruptures where the same might result in water pollution and damage to treatment facilities.
11. An evaluation of groundwater supplies and impacts to these supplies caused by construction.

5. MISCELLANEOUS:

1. A site-specific discussion of pipeline crossings on the Grand Mesa slopes is required; the actual alignment keeps changing, and the Draft EIS describes only the general corridor;
2. What provisions will be made for heavy equipment access and transport of pipe sections to higher elevations and steep slopes?;

3. The Final EIS should describe the pipeline route selection process: the City needs to know how and why the proposed and agency preferred route was selected;
4. The Colorado River alternative, which TransColorado investigated, should be included in the Final EIS. This alternative should be evaluated and compared to the other alternatives evaluated in the Draft EIS; the Draft EIS makes no effort to rank the alternatives;
5. The Final EIS needs to state whether any project impacts will be significant; specific mitigation measures should be proposed and described in detail in areas of significant impact;
6. Evaluation of visual quality impacts should not be based solely on existing BLM and USFS resource management classifications;
7. The Final EIS should provide detailed revegetation plans for natural grasses, cultivated fields, pinyon-juniper and sub-alpine zones;
8. The Final EIS should evaluate the timing of construction as this needs to be compatible with snowmelt and spring runoff, wildlife migration, big game hunting seasons, and the movement of livestock to and from winter and summer grazing grounds.
9. In all cases, unavoidable negative consequences should be addressed and fully described, including plans for mitigation;
10. The Draft EIS does not adequately describe conditions under which the proposed high pressure gas pipeline could rupture, what the overall results of such a rupture would be, or plans as to how impacts would be addressed should ruptures occur;
11. Short-term, construction related impacts have not been adequately addressed in the Draft EIS specifically for the property owned by the City of Grand Junction and the area encompassing the Grand Junction municipal watersheds. Ingress and egress, storage yards, transportation to the site of equipment and workers, fuel deposits, dust, use of City water for construction, etc. are not addressed in detail nor, as a result, are mitigation measures;
12. The Draft EIS states: "Long term adverse impacts to the quantity and quality of water supplies are not anticipated." What is the technical basis for this statement? The Draft EIS also states: "TransColorado will take every precaution to minimize construction disturbance and to ensure that the natural watershed and water pipelines are not impacted." What is meant by "every precaution", and where have these precautionary measures been proven to be effective?;
13. What are the risks of secondary impacts from new drilling operations and laterals which might feed the pipeline?;

14. The firm of Camp, Dresser and McKee (CDM) provided a third party review of the Draft EIS on behalf of the City. The Memorandum Report prepared by CDM is attached hereto and hereby incorporated into this Resolution. Therefore, this Resolution and the attached Memorandum Report constitute the official comments of the City of Grand Junction on the Draft Environmental Impact Statement for the proposed TransColorado Gas Transmission Pipeline Project. Due to the highly public nature of this proposed project and the consequences its development could have on the Grand Valley public, the Final EIS should provide enough site-specific information to address the issues and answer the questions contained in the Resolution and the attached Memorandum Report.

PASSED and ADOPTED this 20th day of November, 1991.

Conner W. Shepherd

President of the Council

Attest:

Theresa F. Martinez

Deputy City Clerk

TRANSCOLORADO GAS TRANSMISSION PROJECT THIRD PARTY REVIEW OF DRAFT ENVIRONMENTAL IMPACT STATEMENT MEMORANDUM REPORT TO THE CITY OF GRAND JUNCTION, COLORADO

November 12, 1991

EXECUTIVE SUMMARY

Camp Dresser & McKee (CDM) has reviewed the Draft Environmental Impact Statement (Draft EIS) on the proposed TransColorado Gas Transmission Project. The City of Grand Junction wishes to provide critical input to the lead agency at this stage of the environmental review of the TransColorado project, pursuant to National Environmental Policy Act (NEPA) procedures. The purpose of CDM's review is to furnish comprehensive technical and procedural comments on the Draft EIS for the City's use in providing input to the lead agency.

CDM has focused on the segment of the proposed pipeline that would cross the Grand Meas slopes, traversing the City-owned Somerville Ranch and affecting the public water supply watersheds of the City of Grand Junction and the Town of Palisade. As a decision-making public agency with respect to this project, the City is required by NEPA to take environmental considerations into its decision on whether to grant the pipeline easement. CDM's principal conclusion is that the Draft EIS does not provide enough site-specific analysis for the City to be able to assess the extent or significance of the environmental impact of the pipeline project

on its watershed land. CDM also finds that the Draft EIS does not give adequate consideration to alternative pipeline routes or justify the proposed route.

CDM recommends that the City request of the lead agency, the Bureau of Land Management, that the City be given cooperating agency status in the NEPA review to support its decision-making role in this project.

TABLE OF CONTENTS Page

INTRODUCTION 3

REQUIREMENTS OF NEPA 5

DESCRIPTION OF ALTERNATIVES INCLUDING THE PROPOSED ACTION 7

PIPELINE SELECTION PROCESS 8

COMPARISON OF ALTERNATIVES 9

DESCRIPTION OF THE PROPOSED PROJECT 10

Time for Construction 10

Provisions for Construction Workers 11

Excavated Material 12

Required Permits 13

Pipeline Safety Provisions 14

CONFLICT WITH LAND MANAGEMENT POLICY AND PLANS 15

EXISTING POLICY AND PLANS 15

FUTURE POLICY AND PLANS 17

TERRESTRIAL ENVIRONMENT 19

REVEGETATION 19

UTILITY AND STREAM CROSSINGS 20

WETLANDS 21

WILDLIFE 22

AESTHETIC RESOURCES 23

LIST OF PLATES

PLATE 1 27

PLATE 2 28

PLATE 3 29

INTRODUCTION

On behalf of the City of Grand Junction, Colorado, Camp Dresser & McKee Inc. (CDM) has reviewed the Draft Environmental Impact Statement on the proposed TransColorado Gas Transmission Project (the Project), prepared pursuant to the National Environmental Policy Act (NEPA). The Project involves a gas transmission pipeline proposed to be constructed partly through City-owned watershed land, known as the Somerville Ranch, located generally on the western slope of the Grand Mesa, and through adjacent watershed land owned by the Town of Palisade. The TransColorado would need a watershed permit from the City for the pipeline to cross the Somerville property.

The City provided substantial input to the scoping process in a letter of September 4, 1990, to the Bureau of Land Management (BLM), the lead agency. The City's letter discussed the importance of the Somerville Ranch as an aesthetic and water supply resource; requested information on the pipeline route selection process from the project sponsor, TransColorado; and proposed a variety of site-specific analyses for inclusion in the EIS to satisfy environmental concerns regarding, chiefly, water resources and aesthetics.

CDM finds, overall, that the Draft EIS fails to substantively address many of the issues raised by the City during scoping. The Draft EIS includes certain attributes of a site-specific EIS within a basically programmatic environmental review of the Project. Little attention is given to the specific ecosystems and environmental effects of the Project along the pipeline route, especially in the area of Grand Mesa of concern to the City of Grand Junction. Figure 2-2, for example, illustrates the pipeline construction process programmatically: it gives a general idea of how construction would progress, without any site specific information.

Although it presents certain quantitative data on project impacts, the Draft EIS does not fulfill the requirements of a site-specific NEPA EIS. For example, the Draft EIS states in Table 2-19 that:

Clearing, grading, trenching, and backfilling 36 acres of ROW within the Palisade municipal watershed would slightly increase soil erosion, and slightly decrease the permeability of the ROW soils over the short term (1 to 3 years). The pipeline would avoid all spring clusters and intakes."

In this example, although a hard number is given for the area of disturbance, the vague statement of impact resulting from this disturbance is not supported by any background hydrogeologic

information or by any analysis of how the disturbance would affect the existing hydrology of the watershed. The example is illustrative; throughout the Draft EIS, not enough site-specific detail is provided on the physical context of the Project to allow a meaningful evaluation of the significance of its environmental impacts. There is insufficient detail on the existing environment, and impacts are stated with little supporting analysis or evaluation. Even within the scope of a programmatic EIS, the Draft EIS does not adequately discuss the planning criteria and selection process that resulted in the proposed route, nor does it evaluate the proposed route and the available alternatives in comparison to one another.

This memorandum will review the kinds of information the EIS should provide to fulfill NEPA requirements, and suggest specific areas of environmental impact that the EIS should evaluate.

REQUIREMENTS OF NEPA

The basic purpose of a NEPA environmental review is to allow federal or cooperating agencies to incorporate environmental considerations into their decision-making. The environmental impact statement discloses all the reasonably foreseeable environmental impacts of a proposed project, discusses reasonable alternatives to the proposed project, and sets forth feasible mitigation measures.

The lead agency and cooperating agencies are agencies that have discretionary regulatory authority over the project, or who have expertise to contribute in preparing environmental impact studies for the NEPA review. As the owner and manager of land affected by the proposed Project, the City of Grand Junction has both discretionary authority over the Project and special knowledge of the affected area. The City should therefore request cooperating agency status of BLM to ensure that the EIS meets the City's informational needs in considering whether to grant the pipeline easement.

A NEPA EIS must discuss the impacts of the project, meaning the direct and indirect effects the project will have on the existing environment, and evaluate their significance (40 CFR 1502.16). Significance is a function of the context and severity of the impact (40 CFR 1508.27). Impacts are to be discussed in proportion to their significance (40 CFR 1502[b]). An EIS must also adequately describe the existing environment into which the project will be introduced: without sufficient detail on the existing environment, the significance of project impacts cannot be understood or evaluated. Reasonable and available mitigation measures must be provided where adverse impacts are determined to be significant.

This Draft EIS fails to describe the affected environment in site-specific detail. There is no discussion of the context or the severity of Project impacts, or any evaluation of their

significance. The Draft EIS sets forth not a single site-specific measure to mitigate impacts. As a whole, the Draft EIS does not provide the City of Grand Junction with the information the City needs to take environmental considerations fully into its decision on whether to approve the proposed pipeline routing across the Somerville Ranch.

A linchpin of the NEPA environmental review is the discussion of alternatives. There are alternatives to any project as proposed, including doing nothing. NEPA requires that the alternatives be described comparatively, "thus sharply defining the issues and providing a clear basis for choice among options by the decision-maker and the public" (40 CFR 1502.14). An EIS should explore and objectively evaluate the most reasonable and practicable of possible alternatives, including both the proposed project and a no-action alternative. Alternatives that have been eliminated from consideration should be identified in the EIS with a brief explanation of the reasons for elimination. The EIS must "devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits" (40 CFR 1502.14[b]).

This Draft EIS does not provide the reviewer with a comparative discussion of alternatives. It does not "sharply define the issues" nor does it compare the alternatives so that reviewers can "evaluate their comparative merits." This Draft EIS fails to "devote substantial treatment" to all reasonable alternatives: the Draft EIS never identifies the specific alignment of the proposed route, illustrating only the general pipeline corridor.

As Grand Junction and Palisade try to glean information from the Draft EIS, TransColorado is meanwhile busily offering various alignment alternatives to both municipalities, outside the NEPA review process, as if the NEPA review were irrelevant.

The process used to select the proposed route receives only the briefest mention in Chapter 1. The reviewer is not informed why this particular route, of all available alternatives, has been selected. On the basis of the information given in the Draft EIS, the route selection may have been an arbitrary decision.

One routing alternative of interest to Grand Junction--the Grand Valley "variation"--is relegated to an appendix. Although some comparison of the Grand Valley variation with the proposed Project is provided, there is no effort to assimilate and analyze the many comparative advantages and disadvantages to provide "a clear basis for choice among options by the decision-maker and the public." A second reasonable routing alternative pertaining to Grand Junction's decision--the Colorado River alternative--is not presented at all in the Draft EIS, and the reasons for its exclusion are not discussed.

The Draft EIS also neglects to present any other kinds of alternatives, such as an alternative right-of-way width, or using

existing utility or transportation rights-of-way rather than establishing new ones. On the basis of this Draft EIS, the City is unable to evaluate the reasonableness of the selected alternative, i.e. the proposed Project.

DESCRIPTION OF ALTERNATIVES INCLUDING THE PROPOSED ACTION

There are several problems with the description of the proposed Project and its alternatives, as presented in Chapter 2 of the Draft EIS. These problems include the overly generic description of construction requirements, the minimal attention given to the pipeline corridor and route selection process, and the lack of any useful comparison of alternatives.

PIPELINE SELECTION PROCESS

There are at least two phases in the process of locating a utility line such as the TransColorado Gas Transmission Project. The first phase locates the corridor, that is, the general route within which the line may be located. The specific alignment of the utility line is determined in the second phase. Although TransColorado has negotiated with some affected parties over the specific alignment of the pipeline, notably the Town of Palisade, only the corridor is identified in the Draft EIS. The specific alignment must be identified in the EIS if site-specific impacts are to be evaluated. Even within the limits of a programmatic EIS, however, the corridor selection process should be explained. Readers need to know the program requirements of the Project, and the criteria by which potential routes are identified and developed into alternatives.

Corridor and alignment selection is, clearly, a complicated matter. The criteria include environmental constraints, construction and engineering constraints, the origin and destination of the gas product, the extent to which existing utility corridors can be utilized, and so on. The EIS should discuss these criteria, their relative priority, and the methodology used to apply them in developing alternatives and finally selecting the proposed route.

Such a discussion is essential to the City of Grand Junction. The City must weigh the benefits of the proposed route against its disadvantages in making a decision on the necessary easement. From the City's perspective, the disadvantages of the proposed route are obvious. Its only benefits, on the other hand, reside in the logic of the route selection process--which the Draft EIS fails to explain. Without a strongly reasoned justification for the proposed route, the City cannot be reasonably expected to make a balanced decision on the pipeline as proposed. The Draft EIS does not make the case for the proposed route.

COMPARISON OF ALTERNATIVES

The proposed pipeline route and the various alternatives need to

be presented in a more coherent and comparative format. The Draft EIS terms some alternatives as "variations" and discusses them only in Appendix B. It alludes to other alternatives having been eliminated or still being considered. Only some of these are mentioned; others, including the Colorado River-DeBeque Canyon alternative, are not. The alternative routes recommended by the federal agencies receive more thorough attention under the term "agency-preferred alternative." All the alternatives under consideration must be discussed. The alternatives selected for evaluation in the EIS must undergo an integral, comprehensive analysis, rather than discussing some within the body of the EIS and others in an appendix.

Table B-2 compares the Grand Valley variation to the proposed route on 48 different environmental criteria. The proposed route is judged superior to the variation on some criteria, and inferior on others. The evaluation goes no further: there is no effort to order the priority of the criteria, or to account for conflicting criteria, or to explain the rules under which the alternatives are judged, or to add up the scores. Similarly, Table B-7 presents qualitative judgments on many different criteria in paired format, side by side--one set of judgments on the Grand Valley alternative, the other set on the proposed route. While it may be helpful to pair attributes in this fashion, no conclusion can be drawn because neither alternative is dominant across the range of criteria. The EIS needs to take the next step of giving the criteria weights and priorities, and devising a system to assign scores and determine rankings. The alternatives analysis must arrive at some objective basis for deciding which route is best.

Multi-criteria evaluation is a quantitative, analytic method of organizing and evaluating hundreds of individual decision factors to reach a reasonable conclusion. Multi-criteria evaluation uses a matrix format and explicitly formulated criteria to evaluate a discrete number of alternatives, progressively eliminating less favorable alternatives to reach the most favorable one. Some form of multi-criteria evaluation should be applied to the TransColorado EIS.

DESCRIPTION OF THE PROPOSED PROJECT

The material presented in Chapter 2 on construction requirements, sequencing, and methods is informative at the generic level. For the segment of the Project that would traverse the Grand Mesa slope, however, a more site-specific discussion is required.

Time for Construction

The Draft EIS states that anticipated pipeline installation will proceed at a rate of 1.4 miles per day. Pipe joints will be made by welding. Although pipe materials are not identified, it is assumed that the pipe material is steel. (Pipe coating and corrosion control stations are referenced also, which are part of steel pipe installation, and are not needed for welded plastic

pipe, for example.) Assuming 20-foot lengths of steel pipe, 1.4 miles of pipe per day will require the welding of approximately 370 joints per day, or nearly one joint every 1.5 minutes, assuming 10-hour work days as stated in the Draft EIS. Quality control inspection of the welded joints is of great concern at such a rapid construction schedule, and should be discussed in the EIS. It would seem prudent to include some specific weld integrity test (X-ray or other) considering the sensitivity and remoteness of much of the terrain in question.

Note that Figure 2-2, page 35, presents a sketch of a "typical construction spread." Welding and coating operations are shown; inspection and quality control is not indicated. The difficulties implicit in keeping within a 75-foot construction easement on steep, fragile terrain such as the Grand Mesa slopes, while maintaining a 1.4 mile-per-day average construction schedule, demand greater scrutiny. The EIS should illustrate the construction spread designed specifically for the Grand Mesa slopes. Figure 2-2 is worthless as an illustration of how construction in this reach of the pipeline can be planned to avoid significant environmental impacts.

Provisions for Construction Workers

The Draft EIS indicates that construction will be accomplished by three crews, or spreads, in 9 months (April to December, 1992.) Each construction crew will average 480 workers, with peak workforce levels of 550 workers, for a total of 1,140 to 1,680 workers. This number of people doing construction activity will, doubtless, have a severe impact on a 75-foot construction easement. Confining the activity of a 480 to 550 person "crew" to a 75-foot easement will be difficult.

Given the size of the work crew, a major short-term concern is the provisions for construction workers. Some utility corridor projects have involved temporary encampments of work crews. Such encampments on the Somerville property could pose numerous problems for the ranch operations and hazards to the public water supply. The Draft EIS says that most workers will be housed in towns along the way, including Grand Junction, and transported by bus to the worksite. The specific provisions for workers should be thought through and discussed in the EIS.

Similarly, the EIS should consider the impact of construction of this proposed magnitude on the existing cattle ranching and in-season recreational hunting uses, which both occur on the Somerville property pursuant to leases from the City. The Project will require extensive construction staging areas, which should be located and described in the EIS.

Excavated Material

The pipeline will displace approximately 184,000 cubic yards of excavated material over its 300-mile length. Although it is often

standard practice to grade and blend some material into the surrounding topography, typically some material also has to be hauled to an off-site point of disposal. The EIS must address the fate of the displaced excavated material, and describe the kind of material to be excavated. Given the steep slopes and very rocky soils, excavating quantities of rock and transporting it off-site, without tearing up stream beds and causing other environmental damage, will be difficult. The EIS should describe how the excavation and hauling of earth materials will be accomplished, including provisions for access roads, any cable hauling systems or other special transportation equipment, and all the logistics involved.

Required Permits

It is stated on pages 35-37 that various rivers and streams would be crossed by the proposed pipeline and that the preliminary indication from the Corps of Engineers is that all crossings would be permitted under the Nationwide Permit System, precluding the need for individual Section 404 permits. Although the Corps typically indicates that a proposed crossing is covered by the Nationwide Permit System, the Corps also typically states that the permit applicant must review the Section 404 regulations and apply for an individual permit if one is required. The Corps reserves the right to revoke a Nationwide Permit during construction if, after visiting a construction site, the Corps inspector decides that an individual permit should be required. The burden is on the applicant to investigate the need for individual permits. It seems that more research by TransColorado is appropriate on this issue. The EIS should, at least, state which nationwide permits are anticipated, and show how the conditions specific to those permits can be met.

TransColorado will be required to obtain an NPDES stormwater discharge permit for pipeline construction. This permit application requires detailed information on best management practices to control pollutants in stormwater discharges during construction, including a description of applicable state and local erosion and sediment control requirements, and proposed measures to control pollutants in stormwater discharges that occur after construction has been completed. The City will want to review this permit application in cooperation with the issuing agency, the Colorado Department of Health. Also, this important permit requirement should be listed together with other permits listed in Table 1-3 of the Draft EIS.

Pipeline Safety Provisions

It is stated on page 45 that block valves (line isolation valves?) would be installed at 20-mile intervals. Pressure changes would be monitored in Salt Lake City by telemetry. Upon detection of out-of-spec pressure changes, field crews could shut down manually-operated block valves within 0.5 to 1 hour. The EIS should explain how this optimistic response time would be achieved. If field

crews were alerted in early morning hours to a break more than 20 miles away over rough four-wheel road, the response time might be considerably longer. Even assuming the time to isolate a 20-mile reach of pipeline is only 0.5 to 1 hour, and based on the carrying capacity of the pipeline stated in the Draft EIS of 300 million cubic feet of gas per day, the potential loss of gas at the stated rate is between 6 and 13 million cubic feet. This is an extremely dangerous potential hazard. CDM suggests considering automatic valves, more frequent spacing in ecologically sensitive watershed areas like the Grand Mesa slopes (perhaps 1-mile intervals), and an annual operation and maintenance program to make sure that all the block valves are in operating condition.

On steeper slopes (greater than 25 percent), groundwater piping can occur around the pipe within the air pockets in the backfill. Cutoff walls to prevent groundwater piping are not cited in the Draft EIS; these or other measures may be needed to prevent above-ground or below-ground watercourses from forming along the pipeline and undermining pipe stability. Such provisions should be discussed.

No indication is given that the pipeline will be protected at stream crossings. Construction of sheetpiling, riprap, etc., should be a requirement for a high-pressure gasline, even if it is installed below the scour depth.

CONFLICT WITH LAND MANAGEMENT POLICY AND PLANS

EXISTING POLICY AND PLANS

As reported in the Draft EIS, the proposed pipeline route would cross watersheds on the north and west sides of the Grand Mesa that supply water to Palisade, Grand Junction, and the Clifton Water District. The pipeline would cross BLM land as well as watershed land owned by the City of Grand Junction and the Town of Palisade. The Draft EIS briefly describes the Palisade and Grand Junction watersheds and water supply systems, and cites BLM's "planned management action" to "limit surface-disturbing activities in the Palisade and Grand Junction municipal watersheds," and to not allow surface occupancy on slopes greater than 40 percent.

BLM's Resource Management Plan for the Grand Junction Resource Management Area sets forth "planned management actions" in a series of subject areas, including water resources management, public utility management, and soils management. The planned management action for water resources is to limit surface-disturbing activity in the Palisade and Grand Junction municipal watersheds. This is noted in the Draft EIS. As shown in the Resource Management Plan (RMP), the area BLM designates as City of Grand Junction municipal watershed lies outside the proposed pipeline corridor, but the Town of Palisade watershed area is affected by the Project. Since the City's acquisition of the Somerville Ranch, however, the Grand Junction watershed is no

longer limited to the area shown in the RMP. The Project affects both Palisade and Grand Junction watershed land. The construction requirements of the Project appear to be inconsistent with this BLM management objective.

As regards public utility management, the RMP designates the entire Grand Mesa slopes areas as "sensitive for public utilities:" that is, utility routes should be "designed so as to protect resources of concern from undue damage." In the area of soils management, the RMP policy is for no surface occupancy on slopes exceeding 40 percent, and to allow other surface-disturbing activities only after analyzing site-specific conditions and the potential for safety hazards and reclamation. The Draft EIS does not present enough site-specific information to be able to determine whether slopes along the route in the Grand Mesa area exceed 40 percent, or to evaluate safety hazards. The EIS needs to present sufficient baseline data on slopes, soils, plant communities, and surface waters, and then evaluate the consistency of the proposed Project with BLM's published policies.

The baseline section of the EIS should describe the Grand Junction and Palisade water supply systems in greater detail, identifying water supply sources; streams, ditches, flowlines, and other forms of conveyance; diversion structures; reservoirs; treatment facilities; yield, capacity, and end uses (e.g. percentage domestic vs. agricultural). The discussion of Grand Junction's water supply system should include the status and content of the City's proposed watershed management plan, and the City's plans and projections for future water supply development within the Somerville property.

The City-owned Somerville Ranch is in active use as a beef cattle ranch under a ten-year lease that commenced in 1990. The lessee, although receptive to the Project, has concerns about potential short- and long-term impacts. The potential impact of a construction crew of 480 to 550 persons descending on the ranch includes broken fences, lost cattle, and poaching and scaring away of wildlife. In the long term, the maintenance easement could open up the more rugged country within the ranch to inappropriate public recreational use, possibly resulting in personal injury and disruption of ranching operations.

The EIS needs to address the short- and long-term impacts of the Project on the ranch operations. The chapter on the affected environment should discuss the ranch--its acreage, layout, size of the herd, the lease provisions, and so on, as necessary to lay the basis for a meaningful discussion of impact. The chapter on impact and mitigation should consider and evaluate the potential impacts of laying the pipeline through the ranch. The timing of construction should be considered with regard to the seasonal movement of cattle from lower to higher elevations. Impact/mitigation issues would include control and supervision of the large construction crew, access of heavy equipment and personnel, repair of fences, maintenance of fences across the

permanent easement, the effects of cattle and wildlife grazing on the effort to revegetate the easement, and the potential for creating a recreational hazard.

FUTURE POLICY AND PLANS

The City of Grand Junction purchased the Somerville property in January, 1990, for its water rights in Whitewater Creek and to preserve the scenic values on the slope of the Grand Mesa. In 1991, BLM, together with the cities of Grand Junction and Palisade, U.S. Forest Service, Soil Conservation Service, Colorado Forest Service, Colorado Division of Wildlife, Mesa State College, the Museum of Western Colorado, and private landowners, began discussing the idea of entering into a cooperative special area management plan for the Whitewater Creek drainage basin. The 50 square-mile target area includes the City's Somerville Ranch holding, the Palisade watershed, BLM and USFS land, and two private ranches.

BLM, in its initial project summary for the Grand Mesa Slope Special Management Area, writes:

The area's most noteworthy feature is the dramatic, mile-high rise of the Grand Mesa as seen from the Grand Junction area. This higher country is a sensitive municipal watershed for both Grand Junction and Palisade. Recreational use of the area is increasing due to "back door" proximity to Grand Junction, the many miles of trails and roads that exist throughout the area, and the variety of interesting natural landscape, ecological, and cultural values present. About half of the area is important deer and elk habitat, and some of the foothills are already specially managed as critical big game winter range. Livestock grazing occurs throughout the area.

The proposed management plan would provide for recreation, conservation, livestock production, agricultural and municipal water use, and educational and scientific purposes. The parties met in September, 1991, to discuss the problems and uncertainties that the proposed management plan would address. These include trespassing, killing of livestock, illegal dumping, off-road vehicle use, the lack of marked trails in areas appropriate for public access, and the potential for piecemeal disposition of BLM and other holdings. The parties plan to use volunteer efforts in building trails, installing signs, and in providing technical and management support. As the effort builds, the parties hope to attract major financial support from foundations and trusts. A draft management plan for the area will be developed under BLM's auspices by summer, 1992.

In BLM's Regional Management Plan, special management areas are given Class II visual quality protection, and share other restrictions on intrusive uses. The EIS should discuss the emerging special management area, exploring and evaluating the apparent conflicts between the proposed Project and the objectives

of a special management area.

TERRESTRIAL ENVIRONMENT

"Special Construction Areas," page 35, indicates that the pipeline would cross active landslide areas on the Grand Mesa. It would seem prudent for a high-pressure gas line to avoid identified active landslide areas completely. At least, the EIS should provide an illustration of identified landslide areas on the pipeline route. No indication is given as to how landslide areas will be crossed. Obviously, it is better to cross a landslide near its head than at the tow. Retaining structures to stabilize landslide crossings should be indicated. Although the Draft EIS mentions adjustment of pipe wall thickness, alignment, location of shutoff valves, and backfill density so as to allow slight pipe movement, no discussion is provided on how the pipeline would be designed to remain undamaged in an active landslide.

REVEGETATION

It appears that revegetation is the major method proposed for erosion control. While an adequate method in many areas, revegetation may fail on the Grand Mesa slopes, where frequent steep slopes (greater than 25 percent), rocky ground, infertile soil, and cattle grazing will frustrate reseeding. Slopes greater than 25 percent usually do not vegetate well, even in the best of circumstances. These rocky, infertile soils will require amendment for revegetation to occur. Table 2-7 of the Draft EIS lists a number of generic revegetation measures to be employed as necessary. Although certain seed mixes are indicated in table D-1, the EIS should include a specific revegetation plan for the Grand Mesa area, taking into account the slopes, soils, and existing vegetative communities along the alignment. This revegetation plan should consider the times of year when seed can take route, and relate that to the construction scheduling. Assuming such analysis indicates that revegetation can succeed, the generic provisions listed in table 2-7 will be more convincing.

This Draft EIS regularly uses qualitative terms such as "slightly" with no quantifying data backup (see table 2-19, Municipal Water Supply.) For a site-specific environmental review, numbers rather than relative terms such as "slightly" are necessary. The statement that "over the long term, wind and erosion losses would not be expected to exceed those presently occurring on adjacent, undisturbed soils," (table 2-19, Soils) is misleading, to say the least. This statement assumes ideal soil rehabilitation and revegetation conditions, which are unlikely. In any event, the Draft EIS does not review the specific vegetative growth conditions along the route, so the statement of no-impact lacks credibility.

UTILITY AND STREAM CROSSINGS

The pipeline would cross the City's water supply flow lines.

Although such utility crossings are often routine, more data on the pipeline crossings is encouraged, including discussion of induced current corrosion potential. The EIS should emphasize how potential damage to both the existing utility, the proposed pipeline, and surrounding area, would be avoided or mitigated. The Draft EIS asserts in table 2-19 that construction work in riparian corridors will cause 1 to 5 days of increased suspended solids in the affected waterways. As a meaningful disclosure of environmental impact, the statement is inadequate. The EIS should treat the more important streams individually, providing an analytic basis for estimating sediment loading, stating the loading in quantitative terms, and then evaluating its significance--does the sediment loading cause a significant or only a minor impact? Perennial streams that are or may become water supply sources deserve analysis on an individual basis. Depending on the success of revegetation, the Project could cause increased suspended solids on a recurring basis. Mitigation measures should be specified for streams where sediment loading could be significant.

WETLANDS

The discussion of wetlands in Chapter 2 (page 107) does not adequately address all wetland types (regulated and non-regulated) that will be affected by the pipeline. General statements such as "wetland (hydric) soils have not been specifically categorized for western Colorado counties" should be supported by citations. A federal delineation of wetland areas along the proposed route should be required for this Project, using U.S. Army Corps of Engineers wetlands delineation methodology. The results of the wetlands delineation should be one basis for selecting the proposed route, since the first rule under Corps methods is wetlands avoidance.

Appendix C-1 indicates several wetland crossings in the Grand Mesa area, including Sink Creek, Cottonwood Creek, Whitewater Creek, and the Whitewater Creek flood plain. The text on page 107 mentions the wetlands function of reducing sediment loading in streams. Within the watershed areas on the Grand Mesa slopes, there would seem to be some potential for the Project, in disturbing wetlands, to harm this wetlands function and thereby cause increased sediment loading in existing or future water supply sources. No discussion of the acreage of wetlands that may be lost as a result of pipeline construction is provided, nor any evaluation of the significance of wetlands loss.

The EIS should consider these and any other relevant wetlands issues. Without such site-specific analysis in the EIS, the City cannot evaluate the environmental impact of the Project.

WILDLIFE

Characteristically slight attention is accorded to wildlife. Regarding the discussion on page 115, the golden eagle is not the

only non-endangered raptor nesting within one mile of the proposed routes. The Colorado Latilong Study (Colo. Division of Wildlife) indicates that the red-tailed hawk and the Swainson's hawk nest in the area of the proposed route. The EIS should evaluate the impact of the Project on these species.

Regarding the discussion of threatened and endangered species on page 116, other threatened and endangered species that could be found along the proposed routes, including the spineless hedgehog cactus (*Echinocereus triglochidiotus* var. *inermis*) and the Mesa-verde cactus (*Sclerocactus mesae-verdae*), are not mentioned. It is stated here also that field clearances for the black-footed ferret will be conducted in the summer. Summer is not as good a season as late winter-early spring, when this species is more in evidence.

In Chapter 3, the Draft EIS reports that the Project will have minimal impact on key ranges and winter ranges for big game. However, there is no discussion of the potential for cumulative impacts from other proposed projects or activities (e.g., logging, cattle grazing) in the pipeline corridor.

AESTHETIC RESOURCES

The evaluation of visual impact offered in the Draft EIS is based on the visual resource value classification systems of the Forest Service and BLM. In figure 3-8, the EIS reports the BLM classification of BLM lands on the slope of Grand Mesa to be Class III, for which the visual resource management (VRM) objective is:

. . . to partially retain the existing character of the landscape. Management activities may attract attention but should not dominate the view of the casual observer.

The Draft EIS concludes that the effect on the Grand Mesa is within the limits of the BLM management objective, and the visual impact is, therefore, moderate. The Class III designation does not appear to adequately represent the importance of the Mesa as a visual resource. The Draft EIS states that:

Areas designated as being of highest visual value, or highly sensitive from a visibility standpoint, include the following. At the very northern end of the project area, a 3-mile segment along Piceance Creek has been designated as being of high value. Similarly, the 2,000-foot escarpment along the Roan Cliffs (north of Debeque) are both scenic and sensitive. A unique rock formation exists near Black Mountain. The western face of the Grand Mesa forms a scenic focal point for the Grand Valley and is, therefore, highly sensitive. Further to the south, Roubideau Creek has been designated as high landscape value by the BLM. [Emphasis added.] (p. 120)

The sense of this paragraph is that the Grand Mesa slope is one of only a handful of locations along the entire 300-mile route that stand out as places of unusual scenic value--which, indeed, it is.

The residents of the Grand Valley have always looked to the Grand Mesa as a symbol of the community. The massive, folded slope of the Grand Mesa rises prominently on the eastern horizon, capped by its great mantle of basalt. The pinyon and juniper forest that carpets much of the slope beneath the basalt layer gives the Grand Mesa's middle story a deep green color that contrasts with the arid Bookcliffs across the valley. The Mesa is symbolic not only for its visual prominence, but also for the abundance of water in the numerous streams and 300 lakes and reservoirs across its surface. These water resources have long provided famous recreational fishing and are the major source of potable and irrigation water to the communities of the Grand Valley. As such, the potential effects of the pipeline on the Grand Mesa slope merits special consideration in the EIS.

The other locations cited in the passage quoted above have Class II VRM designations, for which "the objective . . . is to retain the existing character of the landscape. Management activities may be seen, but should not attract the attention of the casual observer." BLM staff in the Grand Junction regional office indicated that, in their view, the Grand Mesa slopes should have been designated Class II in the 1987 Resource Management Plan, but were not because of an arbitrary decision by then Area Manager Forest W. Littrell¹.

¹ Graham, Joann and Wade Johnson, Bureau of Land Management, Grand Junction, Colo. Personal communication. 24 October 1991.

The prescribed VRM designation for special management areas is Class II, and as noted above, BLM is participating with other parties in developing a special area management plan for the Grand Mesa slopes. For the various reasons given above, the Class III VRM designation is an inadequate basis for evaluating visual impact in this case.

The Draft EIS, nonetheless, finds only moderate visual impact of the pipeline on the Grand Mesa, based on the Class III VRM objective. Appendix G contains a reference to extensive photographic visual analysis done by ENSR (the principal preparer of the DEIS), including "over 1,200 carefully recorded photographs." The EIS needs to present this supporting analysis, particularly in areas of high sensitivity like the Grand Mesa. One useful method is to show the subject area from several representative vantage points, once as it exists and once with a simulated image of the completed project. The impact can then be assessed according to the aesthetic value of the site (based in part upon Class II VRM standards) and the degree of visual intrusion.

In light of the multiple uses envisioned for the emerging Grand Mesa slopes special management area, the quality of the landscape is of importance to those viewing it from within, as well as from distant vantage points. Therefore, a pipeline alignment that is

hidden from view of urban areas in the valley but that compromises the aesthetic quality of the landscape, as seen from within that landscape, may still cause a significant visual impact.

The Project calls for clearing a 75-foot construction right-of-way which, the EIS states, will be revegetated following construction. The steepest and therefore most visible part of the proposed route over the Grand Mesa affects the Pinyon-Juniper community. These ecologically fragile trees grow very slowly and do not easily return to areas from which they have been cleared.

The following illustrations demonstrate the potential for visual impact. Plate 1 shows the Grand Mesa western slope from the lower Somerville Ranch on a mid-morning in autumn. The deep green of the pinyon-juniper forest is evident. In Plate 2, showing the same background subject from a nearer vantage point, the "chained" (cleared) areas on the lower slope of the Grand Mesa are quite visible. Plate 3 illustrates the fragility of the Pinyon-Juniper community: the stubbly field shown here in the foreground was cleared of Pinyon and Juniper trees more than 20 years ago. Very little revegetation has taken place. The proposed Project would clear a 75-foot-wide swath in the forest nearly to the top of the Mesa. The potential for visible long-term scars is apparent in this illustrations.

An adequate visual analysis will depend on adequate analyses elsewhere in the EIS of soils and terrestrial ecology, neither of which has been provided in the Draft EIS. The soils in this rugged reach of the pipeline route are very rocky. Once the trench has been backfilled, the 75-foot-wide disturbed area may look like a moonscape of rocks with little if any natural topsoil to support reseeding. The EIS must demonstrate whether earth disturbance here can be mitigated by bringing in new topsoil or some other means. Based partly on this soils analysis, the terrestrial ecology analysis must consider the prospects of successfully revegetating the indigenous Pinyon and Juniper at this location. Given the very long time the Pinyon-Juniper community may need to return, the EIS should explain what plants would be used for immediate revegetation, and what plants would succeed them in the near term. Only with this information can

the visual analysis then accurately predict the appearance of the area from specified vantage points at certain future times--perhaps five years after construction, when interim revegetation has developed--and then 20 or more years after construction, or at whatever time the pinyon-juniper is likely to begin to revegetate.

Without such an analysis, the City of Grand Junction is unable to evaluate the environmental impact of the proposed Project on the visual quality of the Grand Mesa. Indeed, all the comments made in the memorandum report return to a common failing of the Draft EIS: it does not contain the site-specific information the cooperating agencies and the public need to make informed decisions on the

proposed Project. These agencies, including the City of Grand Junction, cannot satisfy their obligations under NEPA unless due consideration is given to the topics discussed herein in either a revised Draft EIS, in the Final EIS, or in some combination of Final EIS and a Supplemental EIS on the Grand Mesa segment of the Project.

RESOLUTION NO. 75-91

WHEREAS, on the 16th day of October, 1991, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following described property situate in Mesa County, Colorado, and described as follows:

WILSON RANCH ANNEXATIONS WHICH SHALL BE ACCOMPLISHED IN A SERIES APPROXIMATELY 25.4 ACRES LOCATED AT 25 1/2 ROAD AND G 3/8 ROAD

WILSON RANCH ANNEXATION NO. 1

Beginning at a point lying 30.00 feet North and 24.00 feet West of the Southwest Corner SE 1/4 Section 34, T1N R1W, thence West 441.00 feet; thence North 370.00 feet; thence East 440.00 feet; thence North 500.00 feet; thence East 1.00 foot; thence South to the Point of Beginning.

WILSON RANCH ANNEXATION NO. 2

Beginning at a Point 900.00 feet North and 25.00 feet West of the Southwest Corner SE 1/4 Section 34, T1N R1W; thence North to the North Right-of-Way line of G 3/8 Road as dedicated in Book 997, Pages 330 and 331 of the records of the Mesa County Clerk and Recorder; thence East to the West line of the SE 1/4 Section 34, T1N R1W; thence South along said line to said Southwest Corner SE 1/4; thence West 24 feet; thence North 900 feet; thence West 1 foot to the Point of Beginning.

WILSON RANCH ANNEXATION NO. 3

All of Wilson Ranch Subdivision as recorded in Book 13, Pages 282 and 283, of the records of the Mesa County Clerk and Recorder.

and

Beginning 380.90 feet North from S 1/4 Corner Section 34, T1N R1W; thence North 938.95 feet; thence North 89 Degrees 57 Minutes 30 Seconds East 2,296.50 feet; thence South 37 Degrees 29 Minutes 00 Seconds West 370.07 feet; thence South 47 Degrees 25 Minutes 00 Seconds West 271.65 feet; thence South 73 Degrees 38 Minutes 00 Seconds West 174.67 feet; thence South 23 Degrees 01 Minutes 00 Seconds West 288.40 feet; thence South 14 Degrees 48 Minutes 00 Seconds West 152.52 feet; thence West 551.90 feet to Beginning and Beginning North 1,319.85 feet from S 1/4 Corner said Section 34 North 6.63 feet; thence North 89 Degrees 20 Minutes 11 Seconds

East 1,296.58 feet; thence South 20.70 feet; thence South 89 Degrees 57 Minutes 30 Seconds West 1,296.50 feet to Beginning except Beginning 380.90 feet North from S 1/4 Corner said Section 34; thence North 290.43 feet; thence North 74 Degrees 10 Minutes 00 Seconds East 75 feet; thence N 88 Degrees 01 Minutes 10 Seconds East 596.93 feet; thence South 23 Degrees 10 Minutes 00 Seconds West 200.22 feet; thence South 10 Degrees 00 Minutes 00 Seconds West 275.00 feet; thence South 90 Degrees 00 Minutes 00 Seconds West 551.00 feet to Beginning and except West 25.00 feet for road including the Right-of-Way for 25 1/2 Road as dedicated in Book 911 Page 54 of the records of the Mesa County Clerk and Recorder.

and

WHEREAS, a hearing on the petition was duly held after proper notice on the 20th day of November, 1991; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in single ownership has been divided by the proposed annexation; that no land held in identical ownership comprising more than twenty acres, which has an assessed value in excess of two hundred thousand dollars, is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 20th day of November, 1991.

President of the Council

Attest:

City Clerk

Mr. Dan Garrison, 815 LaPaz Court, Paradise Hills, President of the GNT Development Corporation, developers of Wilson Ranch, was present. He apprised Council that the balance of 25-1/2 Road, which goes from G-3/8 south, is not a road. There is one-half of

the dedicated right-of-way that goes down the area that is being called 25-1/2 Road. Mr. Garrison, along with other neighboring property owners, have requested the County Commissioners to vacate that right-of-way, and have it a dedicated utility course, as it is where power, sewer, and water goes from G Road to the north to serve the property south of the development, plus the Wilson Ranch. He stated that it is not a paved road. There does not exist a full dedication to that particular road.

Mr. Garrison spoke in opposition of the proposed annexation of Wilson Ranch as he feels it is not an urban area. He stated that presently there are seven families living on the 42 acres known as Wilson Ranch, and felt there is nothing urban about the area. Annexation will also increase the cost of housing (City sales taxes, quality of sidewalks, etc.) in the Wilson Ranch development.

City Attorney Wilson explained that the State Statute requires that the area be urbanized or capable of being urbanized. He wishes to clarify that standard of annexation.

There were no other opponents, letter or counterpetitions. The hearing was closed.

The following Resolution No. 75-91 was presented: (Full copy in P.R.). Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote with Councilman BAUGHMAN voting NO, the Resolution was passed and adopted.

The following entitled proposed ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, WILSON RANCH ANNEXATIONS NO. 1, 2, AND 3 WHICH SHALL BE ACCOMPLISHED IN A SERIES APPROXIMATELY 25.4 ACRES LOCATED AT 25-1/2 ROAD AND G-3/8 ROAD. Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried with Councilman BAUGHMAN voting NO, the proposed ordinance was passed for publication.

HEARING - ALPINE MEADOWS ANNEXATION, LOCATED SOUTH OF H ROAD AND WEST OF 27 ROAD, CONTAINING APPROXIMATELY 25.6 ACRES - RESOLUTION NO. 76-91 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

A hearing was held after proper notice on Alpine Meadows Annexation, located south of H Road and west of 27 Road, containing approximately 25.6 acres. City Planner Karl Metzner reviewed this item.

There were no opponents, letters or counterpetitions. The hearing was closed.

The following Resolution No. 76-91 was presented: (Full copy in P.R.). Upon motion by Councilman Theobold, seconded by Councilman Bessinger and carried by roll call vote, the Resolution was passed and adopted.

The following entitled proposed ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, ALPINE MEADOWS ANNEXATION, APPROXIMATELY 25.6 ACRES LOCATED SOUTH OF H ROAD AND WEST OF 27 ROAD. Upon motion by Councilman Theobold, seconded by Councilman Bessinger and carried, the proposed ordinance was passed for publication.

HEARING - BLUE HERON ANNEXATION, LOCATED AT RIVER ROAD AND REDLANDS PARKWAY, CONTAINING APPROXIMATELY 288 ACRES - RESOLUTION NO. 77-91 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

A hearing was held after proper notice on Blue Heron Annexation, located at River Road and Redlands Parkway, containing approximately 288 acres. This item was reviewed by City Planner Karl Metzner.

There were no opponents, letters or counterpetitions. The hearing was closed.

The following Resolution No. 77-91 was presented: (Full copy in P.R.). Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote with Councilman BAUGHMAN voting NO, the proposed ordinance was passed for publication.

RIDGES ANNEXATION - PLAN AND AGREEMENT TO ANNEX AND DISSOLVE THE RIDGES METROPOLITAN DISTRICT

City Manager Mark Achen stated that the proposed Plan and Agreement to annex and dissolve the Ridges Metropolitan District may be the first time in Colorado that a metropolitan district and a city have jointly developed a strategy and solution to its mutual problems such as being attempted by these two entities. He stated that today he had received a three-page change to the Agreement. Mr. Achen was reluctant to recommend the Council consider approval until it has more information. Issues of concern are: There were tap fees apparently paid by property owners between 1977 and the present for lots which were not developing at that time; they were prepaid. He did not believe any of those had occurred in the last four or five years, and may not have occurred in the last ten years. The question is whether those tap

RESOLUTION NO. 76-91

WHEREAS, on the 16th day of October, 1991, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

All of Alpine Meadows Subdivision as recorded in Book 1847 Page 355 of the records of the Mesa County Clerk and Recorder including adjoining R.O.W. for 27 Road lying West of the East Section Line of Section 35 T1N R1W; and

All of La Casa de Dominguez Subdivision Filing #3 as recorded in Book 13 Page 393 of the records of the Mesa County Clerk and Recorder.

WHEREAS, a hearing on the petition was duly held after proper notice on the 8th day of January, 1992; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in single ownership comprising more than twenty acres, which has an assessed value in excess of two hundred thousand dollars, is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION;

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 20th day of November, 1991.

President of the Council

Attest:

City Clerk

RESOLUTION NO. 77-91

WHEREAS, on the 16th day of October, 1991, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Lots 27, 28, and 29 of Orchard Grove Subdivision lying south and west of Redlands Parkway R.O.W. including adjacent R.O.W. for 23 1/2 Road and all accreted land lying south of Lots 23 and 29 Orchard Grove Subdivision as per action No. 19066 Book 959 Page 269 of the records of the Mesa County Clerk and Recorder; and

That part of GLO Lot 1 in Section 8 T1S R1W lying south and east of Redlands Parkway R.O.W.; and

That part of the NW 1/4 NE 1/4 Section 8 T1S R1W lying south of Redlands Parkway R.O.W.; and

That part of the SE 1/4 NW 1/4 lying north of the north bank of the Colorado River; and

That part of the NE 1/4 NE 1/4 Section 8 T1S R1W and the West 46 feet of the NW 1/4 NW 1/4 Section 9 T1S R1W all lying South and West of River Road R.O.W. except the following described parcel; Beginning S 89 Degrees 54 Minutes 36 Seconds W 1327.51 feet from the common corner of Sections 4, 5, 8, and 9 T1S R1W thence N 0 Degrees 00 Minutes 09 Seconds E 312.04 feet thence S 56 Degrees 34 Minutes 41 Seconds E 448.57 feet along the R.O.W. for Redlands Parkway thence S 33 Degrees 25 Minutes 19 Seconds W 136.61 feet thence S 0 Degrees 19 Minutes 47 Seconds E 151.22 feet thence S 03 Degrees 43 Minutes 19 Seconds W 240.60 feet thence S 0 Degrees 19 Minutes 47 Seconds E 70 feet thence S 37 Degrees 51 Minutes 21 Seconds W 65.15 feet thence S 87 Degrees 20 Minutes 42 Seconds W 241.39 feet to the west line NE 1/4 NE 1/4 Section 8 T1S R1W thence N 0 Degrees 22 Minutes 14 Seconds W 572.99 feet to the Point of Beginning except all lands in the SE 1/4 SE 1/4 Section 5 T1S R1W; and

All of Mathews Subdivision, a replat of part of Lots 9 and 10, Riverside Subdivision; and

All of the public R.O.W. for River Road commencing at its intersection with the North line of the SE 1/4 NW 1/4 Section 15 T1S R1W and extending Northwesterly through Sections 15, 10, 9, 8, and 5 all in T1S R1W and termination at the SE corner extended of A Replat of Lot 18 Smith and Bailey's Riverside Subdivision, Section 6 T1S R1W; and

All public R.O.W. for U. S. Highway 6 & 50 located in Section 6 T1S R1W; and

All of the private R.O.W. of the Denver and Rio Grande Western Railroad beginning at the East section line of Section 8 T1S R1W and extending Northwesterly through Sections 8, 5, and 6 T1S R1W and terminating at the North line of Section said Section 6; and

Beginning at the NW Corner of the SW 1/4 NW 1/4 of Section 9, T1S, R1W of the Ute Meridian; thence along the West line of said SW 1/4 NW 1/4 S 0 Degrees 08 Minutes 51 Seconds E 1003.20 feet; thence S 63 Degrees 53 Minutes 59 Seconds E 152.38 feet; thence S 26 Degrees 06 Minutes 01 Seconds W 188.66 feet; thence S 0 Degrees 08 Minutes 51 Seconds E 135.65 feet; thence N 80 Degrees 57 Minutes 13 Seconds E 1059.74 feet; thence S 0 Degrees 02 Minutes 47 Seconds E 711.83 feet; thence N 90 Degrees 00 Minutes 00 Seconds E 200.00 feet to the East line of the W 1/2 SW 1/4 of said Section 9; thence along East line of said W 1/2 SW 1/4 S 0 Degrees 02 Minutes 50 Seconds E 468.59 feet to the North bank of the Colorado River; thence along said North bank the following ten courses: S

64 Degrees 47 Minutes 16 Seconds W 581.40 feet; thence N 85 Degrees 56 Minutes W 251 feet; thence N32 Degrees 06 Minutes W 457 feet; thence N 40 Degrees 24 Minutes W 452 feet; thence N 5 Degrees 33 Minutes W 743.49 feet; thence N 11 Degrees 14 Minutes W 163.66 feet; thence N 28 Degrees 59 Minutes W 235 feet; thence N 32 Degrees 55 Minutes W 265 feet; thence N 41 Degrees 19 Minutes W 137 feet; thence N 32 Degrees 41 Minutes 09 Seconds W 514.21 feet; thence leaving said North bank N 0 Degrees 09 Minutes 00 Seconds W 188.10 feet; thence N 89 Degrees 55 Minutes 03 Seconds E 725.00 feet to the point of beginning; and

Commencing at the Northwest Corner of the SW 1/4 NW 1/4 of Section 9, T1S, R1W of the Ute Meridian; thence S 89 Degrees 55 Minutes 3 Seconds W 725.00 feet; thence S 0 Degrees 09 Minutes 00 Seconds E 188.10 feet to the North bank of the Colorado River and the true point of beginning; thence S 9 Degrees 00 Minutes 00 Seconds E 200 feet more or less to the center of the Colorado River; thence Southeasterly along the center of the Colorado River to the East line of the W 1/2 SW 1/4 of said Section 9; thence N 0 Degrees 02 Minutes 50 Seconds W 370 feet more or less to the North bank of the Colorado River; thence along said North bank the following ten courses: S 64 Degrees 47 Minutes 16 Seconds W 581.40 feet; thence N 85 Degrees 56 Minutes W 251 feet; thence N 32 Degrees 06 Minutes W 457 feet; thence N 40 Degrees 24 Minutes W 452 feet; thence N 5 Degrees 33 Minutes W 743.49 feet; thence N 11 Degrees 14 Minutes W 163.66 feet; thence N 28 Degrees 59 Minutes W 235 feet; thence N 32 Degrees 55 Minutes W 265 feet; thence N 41 Degrees 19 Minutes W 137 feet; thence N 32 Degrees 41 Minutes 09 Seconds W 514.21 feet to the true point of beginning; and

Commencing at the NE Corner of the SW 1/4 NW 1/4 of Section 9, T1S, R1W of the Ute Meridian; thence S 0 Degrees 02 Minutes 41 Seconds E 915.07 feet to the SE Corner of Blue Heron Industrial Park; thence S 89 Degrees 57 Minutes 19 Seconds W 242.41 feet to the true point of beginning; thence S 89 Degrees 57 Minutes 19 Seconds W 290.20 feet; thence along the arc of a curve to the right whose radius is 430 feet and whose long chord bears N 85 Degrees 50 Minutes 50 Seconds W 62.20 feet; thence N 81 Degrees 45 Minutes 00 Seconds W 474.70 feet; thence S 26 Degrees 06 Minutes 01 Seconds W 443.90 feet; thence S 0 Degrees 08 Minutes 51 Seconds E 135.65 feet; thence N 89 Degrees 57 Minutes 13 Seconds E 1059.74 feet; thence N 0 Degrees 02 Minutes 47 Seconds W 30.0 feet; thence S 89 Degrees 57 Minutes 13 Seconds W 42.40 feet; thence N 0 Degrees 02 Minutes 47 Seconds W 431.12 feet to the true point of beginning; and

Commencing at the Northwest Corner of the NE 1/4 SE 1/4 of Section 9, T1S, R1W of the Ute Meridian; thence along the west line of said NE 1/4 SW 1/4 S 00 Degrees 02 Minutes 50 Seconds E 1241.63 feet to the North bank of the Colorado River and the true point of beginning; thence S 00 Degrees 02 Minutes 50 Seconds E 370 feet more or less to the center of the Colorado River; thence northeasterly along the center of the Colorado River to the east line of the NW 1/4 SE 1/4 of said Section 9; thence along said

east line N 00 Degrees 00 Minutes 06 Seconds W 140 feet more or less to the North bank of the Colorado River; thence along said North bank the following fourteen courses: N 76 Degrees 07 Minutes 20 Seconds W 81.62 feet; thence N 62 Degrees 58 Minutes W 122.00 feet; thence N 65 Degrees 43 Minutes W 188.00 feet; thence N 78 Degrees 16 Minutes 181.00 feet; thence N 80 Degrees 34 Minutes W 136.00 feet; thence N 85 Degrees 42 Minutes W 193.00 feet; thence S 83 Degrees 58 Minutes W 293.05 feet; thence S 78 Degrees 41 Minutes W 160.00 feet; thence S 74 Degrees 19 Minutes 21 Seconds W 175.45 feet; thence S 70 Degrees 35 Minutes W 247.00 feet; thence S 60 Degrees 53 Minutes W 290.00 feet; thence S 66 Degrees 55 Minutes 45 Seconds W 370.63 feet; thence S 68 Degrees 09 Minutes W 150.00 feet; thence S 73 Degrees 38 Minutes 44 Seconds W 193.61 feet to the true point of beginning, EXCEPTING THEREFROM the North 650 feet of the SE 1/4 SW 1/4, and also EXCEPT Lots 14 and 15 of Riverside Subdivision, all in said Section 9.

WHEREAS, a hearing on the petition was duly held after proper notice on the 20th day of November, 1991; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in single ownership comprising more than twenty acres, which has an assessed value in excess of two hundred thousand dollars, is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION;

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 20th day of November, 1991.

President of the Council

Attest:

City Clerk

fees have actually been transferred on from the Ridges Metropolitan District to the appropriate legal entities to which

they are owed, that is the sewer system for which the City has the fiduciary trust, and the Ute Water Conservancy District. The 1988 Ridges Metropolitan District financial statement shows approximately \$89,000 of such fees still outstanding and payable to the City of Grand Junction and the Ute Water Conservancy District. Subsequent financial statement seems to imply that there was no cash paid to either entity, which brings up the concern of a possible liability that at some point Ute Conservancy District could request these fees of the City. By the same token, the sewer district (the City) may or may not have these monies. That is of 1988. Since then an additional \$86,00 or \$87,000 of tap fees have been collected by the metropolitan district, a portion of which would be owed to Ute Water Conservancy District and to the City's sewer system. At this point neither the City nor the Ridges Metropolitan District have had sufficient time to document what has happened with all the cash flows. The District has given the City spreadsheet information which will need to be verified for the period up to 1981. There is an entire decade since 1981 for which the City has no information. The spreadsheets provided by the District up to 1981 indicate that there is \$27,000 owed to the sewer system and to Ute Water. What is owed for the last ten years is unknown.

Mr. Achen suggested that Council authorize execution of the Agreement as it stood on Monday, November 18, without the proposed amendment by the Metropolitan District, and that in the next two weeks the City and the Metropolitan District obtain as much knowledge and documentation of it as possible. The Agreement provides that both parties could agree to modify the Agreement and submit hat to a Judge so that there is still an opportunity to use additional language to clarify how this issue is being handled, if necessary.

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried with Council members BAUGHMAN and BENNETT voting NO, the Plan and Agreement as of November 20, 1991, which does not include the three page amendment filed today, to annex and dissolve the Ridges Metropolitan District, was approved.

APPOINTMENTS TO BOARDS AND COMMISSION

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, appointments were made to the following boards.

Arts Commission: Steve Laiche

Contractors' Licensing Board: Lois Sorter

Forestry Board: Andrea Gary and Craig Bowman

Visitors & Convention Bureau: Cindy George reappointed and Steve Hilliard appointed.

The City Clerk was directed to readvertise for vacancies on the

Grand Junction Planning Commission and Board of Adjustment and Appeals.

RESCHEDULE OF JANUARY, 1992, CITY COUNCIL MEETINGS

Upon motion by Councilman Theobald, seconded by Councilman Bennett and carried, the January 1, 1992, Council Meeting was rescheduled to January 8, and the January 15, 1992 Council Meeting was rescheduled to January 22.

COUNCILMAN BAUGHMAN DISCUSSES CHARGES FOR TRASH REMOVAL IN THE CITY

Councilman Baughman discussed charges for trash removal on property recently annexed to the City, and subsequent billing procedures.

ADJOURNMENT

Upon motion by Councilman Theobald, seconded by Councilman Bessinger and carried, the meeting was adjourned.

Theresa F. Martinez

Theresa F. Martinez, CMC
Deputy City Clerk