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Applicant's Response

<p>DEN - DENVER INTERNATIONAL AIRPORT</p>	<p>DEN appreciates the opportunity to comment on this project. DEN has no comments.</p>	<p>Noted.</p>
<p>FAA- FEDERAL AVIATION ADMINISTRATION-DIA</p>	<p>DEN appreciates the opportunity to comment on this project. DEN has no comments.</p>	<p>Noted.</p>
<p>COLORADO ARMY AVIATION SUPPORT FACILITY/BUCKLEY SPACE FORCE BASE</p>	<p>Add a condition of approval that Mr. White from the COARNG will be contacted before the construction of Segment 5/Harvest Mile. This condition should read: “Prior to and during construction of Segment 5/Harvest Mile, the following COARNG contact shall be consulted.”</p> <p>We would like to have better coordination with our municipalities during the construction process. We are having a disconnect with Aurora about crane notification during the construction process as our airfield is regularly seeing construction cranes that they have not been notified about.</p> <p>Army Aviation conducts low-altitude flight training east and south of Aurora Reservoir. This training is routinely performed below 200 feet at high speeds, which this powerline construction affects. It appears that the only construction segment impacting Army Aviation is Segment 5/Harvest Mile. We can mitigate risk by ensuring our air crews are accurately informed of the changes and timelines. To do this the AASF would need a better timeline of construction locations as well as the method of assembly (crane or helicopter use) Who would provide this information during the construction process?</p>	<p>Xcel Energy agrees to communicate with Buckley SFB before and during construction, as requested. Staff will make a condition of approval that COARNG be contacted before and during the construction of this project.</p>
<p>AURORA FIRE RESCUE</p>	<p>This district can serve the facility.</p>	<p>Noted.</p>
<p>BENNETT - WATKINS FIRE RESCUE</p>	<p>Xcel Energy has provided BWFR with a fire prevention plan, fire prevention and mitigation training materials, Xcel Energy’s emergency response procedures, and a vicinity map illustrating existing and proposed infrastructure. This district has no objections to this development and can provide fire protection and emergency medical services for this project.</p>	<p>Noted.</p>

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SABLE ALTURA FIRE DISTRICT	This district can provide Fire and Emergency Services for this project.	Noted.
SOUTH METRO FIRE-REFERRALS	The proposed work and route are outside this district’s jurisdictional boundaries.	Noted.
ARAPAHOE COUNTY PUBLIC WORKS - BUILDING DIVISION	Pursuant to Article 90.2(D)5 of the 2023 National Electrical Code, we do not have jurisdiction over transmission line installations. In the absence of a building as part of the scope, the IBC also does not appear to apply. Unless a structure should emerge as part of the scope or as part of a sub-station / facility type installation, the Building Division does not have any comments or jurisdictional oversight authority at this time.	Noted.
ARAPAHOE COUNTY OPEN SPACES	<p>Open Spaces has the following comments.</p> <ol style="list-style-type: none"> 1. Open Spaces has made previous comments and inquiries regarding the possibility of a public recreation trail adjacent to and underneath the power lines. Open Spaces does not wish to pursue any recreation trail easements at this time. This may be a future desire by Open Spaces and will inquire in the future, but not at this time. 2. Open Spaces has concerns with impacts to the Arapahoe County Fairgrounds events during the construction phase of the project. We read that Xcel is asking for a TIS waiver. The traffic numbers during construction are low, but what is of concern is what will traffic impacts will be along Quincy Ave, access to staging areas, offloading of poles etc. Narrative speaks to future traffic control plans. Xcel needs to be aware that Quincy is a 2-lane road. The Fairgrounds and Aurora Reservoir are destination recreation and event areas that hold large-scale events that generate large amounts of visitors and vehicle traffic. Lane and road closures cannot coincide and be implemented during major events at these locations. Open Spaces feels that more detail on traffic control and Quincy Road impacts, and coordination on schedules, is imperative. 	<ol style="list-style-type: none"> 1. Noted. 2. Text has been added to Section 2.3.a.6 of the 1041 Application Narrative to address this comment: Xcel Energy’s construction contractor will prepare Traffic Control Plans for E. Quincy Avenue and will coordinate with Arapahoe County regarding lane and road closures. Construction materials will not be loaded or offloaded along E. Quincy Avenue. Vendors will be directed not to park on public roadways around the construction of staging areas. Traffic Control Plans have been submitted to Arapahoe County with the Temporary Use Permit Application (record number ZTU-2025-00004) for the Beichle Laydown Yard. 3. Noted.

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	<p>3. Traffic Control Plans will be prepared and followed during construction. Traffic control will be implemented where required for the safety of the construction crews and the traveling public.</p>	
<p>ARAPAHOE COUNTY WEED MANAGER</p>	<p>1. Weed control measures should be implemented not only for the disturbed areas of this project but for the entirety of the easement. 2. The Colorado Noxious Weed Act requires all landowners, public and private, to control noxious weeds, and the applicant is reminded that existing infestations should be managed to lessen their impact on planned disturbances. 3. Arapahoe County routinely manages the adjacent County rights-of-way to this project for noxious weeds.</p>	<p>Per email communication on February 18, 2026, with Russell Johnson, Arapahoe County Weed Control Specialist, Russell Johnson has clarified that for any easement that is on private property, weed control of existing populations is the responsibility of the property owner. Xcel Energy understands that precautions should be taken not to spread or introduce new infestations to areas that will be disturbed by Pathway and tracts of land that are owned by Public Service Company of Colorado, a Colorado corporation conducting business as Xcel Energy, should be maintained to the standards of the Colorado Noxious Weed Act.</p>
<p>ARAPAHOE COUNTY HEALTH DEPARTMENT</p>	<p>1. Landfill Operations: There are two landfills that are potentially within 1000 feet of the proposed transmission line route: AR-001E and AR-001F. Flammable gas from decomposing organic matter in landfills may travel up to 1,000 feet from the source. If construction and or excavation is planned for this property, including any minor excavation for signage, etc., we recommend ONE of the following: <ul style="list-style-type: none"> • A flammable gas investigation should be conducted to determine if flammable gas (methane) is present in the subsurface soils at the property within the 1000-foot radius of the landfill mass edge. The plan for the investigation should be submitted to ACPH for review. ACPH will review the results of the </p>	<p>1. Xcel Energy’s construction contractor will include methane monitoring and response procedures in their construction emergency response plan as recommended by the Arapahoe County Public Health Department. 2. Xcel Energy has coordinated with CDPHE and ACPH regarding the locations of two septic systems that were identified that may be within the</p>

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	<p>investigation. If the investigation indicates that methane is not present at or above 20% of the lower explosive limit for methane (1% by volume in air) in the soils, no further action is required; OR</p> <ul style="list-style-type: none">• ACPH recommends that methane monitoring and response procedures be included in the Site-Specific Health and Safety Plan (HASP) to ensure the safety of site workers and the public during earth-disturbing activities where excavation is within 1000 feet of the edge of the landfill mass. If excavation for the project reveals landfill material, waste, or evidence of subsurface impacts associated with landfill operations, additional methane screening provisions within the HASP may be necessary. <p>2. Septic Systems: Properties located along the proposed transmission line route may be served by onsite wastewater treatment systems (OWTS). ACPH recommends that the applicant review the locations of the transmission line routes to determine the encroachment potential on OWTS. Please note on the plans that locations of properties with septic systems have been identified along the route. If encroachment is anticipated, additional coordination may be necessary to determine whether adjustments to the transmission line realignment or OWTS configuration would be required, subject to applicable OWTS permitting by ACPH. To mitigate encroachment, a 100-foot separation distance between OWTS and the transmission line is strongly recommended, as historical repairs or expansion of OWTS may not have been completed through proper permitting. OWTS records are available online and can be found at https://gis.arapahoegov.com/septicSearch/.</p> <p>3. Drinking Water: ACPH-2026-00020 ACPH notes that drinking water will be provided to the construction personnel.</p> <p>4. Monitoring Wells:</p>	<p>Pathway easement. On February 18, 2026, Steve Chevalier of ACPH confirmed that ACPH and CDPHE have no concerns with Pathway encroachment of existing septic systems within Arapahoe County.</p> <p>3. Noted.</p> <p>4. Xcel Energy has identified all wells that are within the proposed transmission line right-of-way and has added the wells to the Location and Extent Plan set. One transmission line pole (pole 694) is located within 100 feet of a well. Xcel Energy will include construction fencing around this well to prevent damage to this well during construction, as requested by Arapahoe County Public Health.</p> <p>5. Noted.</p> <p>6. Noted.</p>
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Existing monitoring or groundwater extraction wells may be in the vicinity of the proposed routes. The applicant may conduct a due-diligence review of records maintained by the Colorado Division of Water Resources <https://dwr.state.co.us/Tools/WellPermits> to identify any existing wells along the route. Please note on the plans that locations of monitoring wells or groundwater extraction wells have been identified along the route.

Where wells are within or close to transmission line routes, ACPH recommends that wells be protected during construction by clearly marking and delineating the area around each well so they are visible to vehicle operators and construction crews (e.g., stakes, colored tape, or orange plastic netting). A 100-foot separation distance between wells and the transmission line support structures is strongly recommended.

5. Unexploded Ordinances:

The project is located within areas associated with the Former Lowry Bombing and Gunnery Range. There is a potential for munitions or unexploded ordnance (UXO) to be present, which could pose a serious safety risk. The applicant should have procedures in the HASP to recognize, retreat, and report suspected UXO, including immediate notification of emergency services (911). Additional information is available at <https://cdphe.colorado.gov/former-lowry-bombing-and-gunnery-range>. UXO recognition and response procedures were not identified in the application documents.

6. Sanitary and Solid Waste Disposal:

The application needs to specify how sanitary and solid waste will be handled during the construction phase; the provision of portable restrooms was noted in the application. At a minimum, trash dumpsters, handwashing stations, and portable toilets will be necessary during construction. ACPH has no objection to the use of portable toilets and handwashing stations during construction,

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	provided they are for temporary use only and properly maintained. It is recommended that the applicant identify the number, locations, vendors, and service intervals for these facilities.	
ARAPAHOE COUNTY R&B REFERRALS	No comments.	Noted.
ARAPAHOE COUNTY SHERIFF'S OFFICE - COMMUNITY RESOURCE UNIT	No comments.	Noted.
ARAPAHOE COUNTY SHERIFF'S OFFICE - LAND USE REFERRALS	No comments.	Noted.
CITY OF AURORA – PLANNING AND DEVELOPMENT SERVICES	<ol style="list-style-type: none">1. The City of Aurora Planning and Development Services wants to confirm if the transmission lines are buried. Planning Staff wants to confirm so that we ensure that there are no issues with landscaping along public rights-of-way.2. Comments on the Location and Extent plan set	<ol style="list-style-type: none">1. The City of Aurora approved a Conditional Use Permit and Site Plan for Pathway on August 28, 2024. Rachid Rabaa was the planner who processed the application. As described in these permit application materials, the Pathway alignment through the City of Aurora jurisdiction will consist of overhead transmission lines. The transmission lines will not be buried.2. The City of Aurora approved a Conditional Use Permit and Site Plan for Pathway on August 28, 2024 (DA-2384-00). On November 12, 2025, Xcel Energy emailed the City of Aurora staff that provided comments to the Arapahoe County Location and Extent Plan, as well as Rachid Raaba, City of Aurora Planner assigned to Xcel Energy’s

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		<p>Conditional Use Permit and Site Plan application to clarify that as the City of Aurora's comments were considered in DA-2384-00 and approved by the City of Aurora Planning Commission, Xcel Energy will have assumed that the request for additional improvements and cash-in-lieu would have been made during that effort.</p>
<p>CDPHE/ DEPARTMENT OF HEALTH & ENVIRONMENT - STATE OF COLORADO</p>	<p>1. The Colorado Department of Public Health and Environment's Air Pollution Control Division (APCD or Division) received a request for an air quality administrative review concerning the proposed Colorado Power Pathway Location and Extent project as described in your correspondence dated April 17, 2025. The Division has reviewed the project letter and respectfully offers the following comments. Please note that the following Air Quality Control Commission (AQCC) regulations may not be inclusive of the regulations the proposed project will be subject to. It is the responsibility of the involved parties to determine what regulations they are subject to and follow them accordingly.</p> <p>2. Land Development We also note that projects similar to this proposal often involve land development. Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulation by the Division. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to</p>	<p>1, 2, 3. The construction contractor will obtain and meet the requirements related to the proposed material storage yard Air Pollution Emissions Notice (APEN) with the Colorado Department of Public Health and Environment (CDPHE), if necessary. The APEN will be required for land disturbance greater than 25 contiguous acres and land development activities with a duration longer than 6 months. There are not areas along the proposed project transmission route that exceed 25 contiguous acres. In addition there will be no land disturbance longer than 6 months in one designated location along the project transmission route.</p>

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report air emissions to the Division. It is important to note that even if a permit is not required, fugitive dust control measures including the Land Development APEN Form APCD-223 must be followed at the site. Fugitive dust control techniques commonly included in the plan are included in the table below.

Control Options for Unpaved Roadways	
- Watering	- Use of chemical stabilizer
- Paving	- Controlling vehicle speed
- Graveling	
Control Options for Mud and Dirt Carry-Out onto Paved Surfaces	
- Gravel entry ways	- Washing vehicle wheels
- Covering the load	- Not overfilling trucks
Control Options for Disturbed Areas	
- Watering	- Application of a chemical stabilizer
- Revegetation	- Controlling vehicle speed
- Compaction	- Furrowing the soil
- Wind Breaks	- Minimizing the areas of disturbance
- Synthetic or Natural Cover of Slopes	

3. Federal General Conformity

The federal General Conformity rule applies to federally funded projects in federal nonattainment and air quality maintenance areas, such as the Denver Metro/North Front Range severe ozone nonattainment area.¹ Within these areas, the general conformity rule applies to any “Federal action” not specifically exempted by the Clean Air Act or Environmental Protection Agency (EPA) regulations, i.e., any non-exempt activity by a federal governmental department, agency or instrumentality, or any activity that such an entity supports in any way, provides financial assistance for, or licenses, permits, or approves.

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	<p>The federal general conformity rule and associated EPA guidance provides for a federal department or instrumentality to determine if the estimated emissions resulting from a proposed action in a nonattainment or maintenance area are below EPA’s de minimis levels (https://www.epa.gov/general-conformity/de-minimis-emission-levels) for the applicable National Ambient Air Quality Standard (NAAQS).² Note that Arapahoe County is located in the Denver Metro Carbon Monoxide and PM10 maintenance areas as well as the Denver Metro/North Front Range 2015 serious and 2008 severe ozone nonattainment areas. EPA has confirmed that General Conformity requirements associated with Carbon Monoxide and PM10 no longer apply in those maintenance areas, as each of the areas demonstrated 20-years of continued attainment of the applicable NAAQS, as of January 14, 2022 and October 16, 2022.</p> <p>The General Conformity de minimis levels for the 2015 Denver Metro/North Front Range serious ozone nonattainment area are 50 tons per year of the ozone precursors VOCs or NOx and 25 tons per year for the 2008 Denver Metro/North Front Range severe nonattainment area. If a federal department or instrumentality determines that its action will result in emissions that are below the de minimis levels, the action is exempt and detailed air quality analysis is not required. Information about the general conformity rule, including training and frequently asked questions, is available at https://www.epa.gov/general-conformity.</p>	
<p>EAST ARAPAHOE COUNTY//ADVISORY PLANNING COMMISSION</p>	<p>No exceptions taken on either application.</p>	<p>Noted.</p>
<p>CDOT - REGION 1 - METRO DENVER</p>	<p>No comments.</p>	<p>Noted.</p>
<p>CDOT-DEP. OF TRANSPORTATION/ STATE OF CO-REGION ONE</p>	<p>No comments.</p>	<p>Noted.</p>

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<p>CORE</p>	<p>CORE and Xcel are working together to address common engineering and clearances between the proposed facilities and CORE's existing facilities.</p> <ol style="list-style-type: none"> 1. The proposed access routes are within CORE transmission easements will require encroachment documents and approvals from CORE. 2. CORE will require the applicant to provide a plan and profile for each CORE transmission facility crossing. 3. CORE will require the applicant to request encroachment approvals from CORE prior to securing easements. 	<p>Xcel Energy will continue to work with CORE Electric Cooperative and will secure the applicable encroachment approvals from CORE prior to securing easements.</p> <ol style="list-style-type: none"> 1. Where Pathway access is proposed within CORE’s easements, Xcel Energy will coordinate with CORE regarding construction plans and restoration activities associated with Pathway as well as future Operation & Maintenance access needs through the encroachment review process. 2. As of 5/23/25, CORE has reviewed and approved all wire crossings within Arapahoe County for Pathway. The review of the subject crossings included plans and profiles. 3. Xcel Energy will continue to coordinate with CORE on any required encroachment reviews.
<p>XCEL ENERGY - PSCO ROW & REFERRALS</p>	<p>Public Service Company of Colorado’s (PSCO) Right of Way & Permits Referral Desk has reviewed the Colorado Power Pathway Location and Extent and 1041 Project, and currently, there is no apparent conflict.</p>	<p>Noted.</p>
<p>SOUTHEAST METRO STORMWATER AUTHORITY (SEMSWA)</p>	<p>See the Engineering Services staff report.</p>	<p>Noted.</p>
<p>COLORADO GEOLOGICAL SURVEY - STATE OF COLORADO</p>	<p>No comments.</p>	<p>Noted.</p>
<p>COLORADO PARKS & WILDLIFE - ENERGY REFERRALS</p>	<p>The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable</p>	<p>1. Xcel Energy has included CPW High Priority Habitat data on</p>

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	<p>and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado’s natural resources. CPW has a statutory responsibility to manage all wildlife species in Colorado and to promote a variety of recreational opportunities throughout Colorado. One way we achieve this goal is by responding to referral comment requests, as is the case for this Project.</p> <ol style="list-style-type: none">1. <u>The Importance of High Priority Habitats</u> Developers and permitting agencies can help avoid, minimize, and mitigate impacts to wildlife from their projects by working with CPW. High Priority Habitats (HPH) are defined as sensitive habitats where CPW has recent maps regarding sensitive wildlife use, plus scientifically-backed best management practice (BMP) recommendations. HPHs are a subset of CPW’s species activity maps that are collected and updated for a variety of species and their particular habitats; CPW provides these maps to the public and regulatory agencies to assist in project siting and design that avoid and minimize potential adverse impacts to sensitive wildlife species in Colorado.2. <u>Aquatic Native Species Conservation Waters HPH</u> CPW has identified Aquatic Native Species Conservation Waters within the State of Colorado’s 2015 State Wildlife Action Plan. These surface water features provide critical habitat for native aquatic wildlife, such as amphibians and fish, while also providing crucial habitat for mammals, birds, and reptiles that utilize the habitat. Within the proposed Project area, there is a possibility of sensitive aquatic native species (fish and amphibians) present within Coal Creek and Box Elder Creek. CPW recommends no surface occupancy and no ground disturbance (year-round) within 500 feet of the ordinary high-water mark of all of these surface waters and the implementation of appropriate stormwater and sediment control BMPs.3. <u>Mule Deer Severe Winter Range HPH</u>	<p>Attachment O, Terrestrial, Avian and Aquatic Animals and Habitat Map, of the 1041 Permit Application. CPW High Priority Habitat is discussed in Section 2.12.f Terrestrial, Avian, and Aquatic Animals and Habitat of the 1041 Permit Application. Pathway is not anticipated to negatively impact high priority habitat defined by CPW.</p> <ol style="list-style-type: none">2. Pathway intends to avoid impacts to wetlands and WOTUS features to the extent practicable. The potential wetlands and WOTUS identified through desktop analysis of NWI data that may be impacted by construction of Pathway will be verified in the field and inventoried and/or delineated to determine the actual locations and extent of wetlands prior to construction of Pathway. In the event that a regulated water resource cannot be avoided, Pathway will comply with applicable federal and state regulations, including permit requirements under Section 404 of the CWA. Staff has made this condition of approval.
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	<p>Mule Deer Severe Winter Range is defined as the portion of a species' range where 90% of individuals are found during the harshest two winters out of ten, when snowpack is highest, and temperatures are lowest. Within the proposed Project area, Mule Deer Severe Winter Range is present along the proposed transmission route at Township 5S, Range 64W, sections 3 & 4, and Township 5S, Range 65W, sections 2 & 4. For the identified portions of the proposed Project area that traverse Mule Deer Severe Winter Range, CPW recommends that the following timing limitation be implemented for construction, operation, and decommissioning phases:</p> <ul style="list-style-type: none">• No permitted or authorized human activities from December 1st to April 30th. If this cannot be achieved, CPW recommends starting construction outside of the winter timing to reduce impacts to mule deer during this crucial time of year. <p>4. <u>Mule Deer Winter Concentration HPH</u> Mule Deer Winter Concentration is defined as the part of the winter range where densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average five winters out of ten. Within the proposed Project area, Mule Deer Winter Concentration is present along the proposed transmission line route at Township 5S, Range 64W sections 3, & 4. For the identified portions of the proposed Project area that traverse Mule Deer Winter Concentration, CPW recommends the following timing limitation be implemented for construction, operation, and decommissioning phases:</p> <ul style="list-style-type: none">• No permitted or authorized human activities from December 1st to April 30th. If this cannot be achieved, CPW recommends starting construction outside of the winter timing to reduce impacts to mule deer during this crucial time of year. <p>5. <u>Pronghorn Winter Concentration Area HPH</u></p>	<p>Temporary impacts to wetlands and WOTUS during construction of Pathway will be avoided to the extent practicable. If wetlands cannot be avoided, matting and other protective temporary measures will be used. Depending on the condition of the wetland soil and hydrology, matting may be used in some cases to protect wetlands from rutting. To avoid potential indirect impacts from construction-related erosion and sediment movement during construction, Pathway will adhere to erosion and sediment control BMPs outlined in the SWMP, which will include erosion control and revegetation measures.</p> <p>Transmission poles will not be placed in streams or wetland areas. Xcel Energy will follow up directly with CPW if Pathway is unable to follow the recommendations outlined in CPW's guidance documents. Prior to construction, a Storm Water Permit for Construction Activities will be obtained from the Colorado Department of Public Health and Environment and a site-specific and Stormwater Management Plan</p>
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CPW defines Pronghorn Winter Concentration Areas as the part of the winter range where pronghorn densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average five winters out of ten. Mapped Pronghorn Winter Concentration Area is present within the entire project area except Township 5S Range 65W sections 4, 5, 6, 7, 8 & 9. For the identified portions of the proposed Project area that traverse Pronghorn Winter Concentration, CPW recommends the following timing limitation be implemented for the construction, operation, and decommissioning phases:

- Complete construction in these areas outside of the winter season, which falls from January 1st to April 30th. If this cannot be achieved, CPW recommends starting construction outside of the winter time to reduce impacts to pronghorn during this crucial time of year.

6. Burrowing Owls

Burrowing Owls (*Athene cunicularia*) are listed as State Threatened and are known to nest in active or inactive prairie dog (black-tailed or white-tailed) burrows or the burrows of other terrestrial wildlife. Because burrowing owls are included in the protections afforded by the Migratory Bird Treaty Act (MBTA), it is important to avoid actions that could negatively impact the owls, nests, and eggs. To best avoid or minimize impacts to Burrowing Owls within the project area, CPW recommends the following:

- If development is proposed to occur in a prairie dog colony that has been active within the past 10 years, CPW recommends conducting surveys consistent with CPW's Burrowing Owl Survey Protocol.
- CPW recommends that targeted surveys should be conducted for any activities resulting in ground disturbance between March 15th and October 31st.

(SWMP) will be developed. To avoid potential indirect impacts from construction-related erosion and sediment movement during construction, Pathway will adhere to erosion and sediment control best management practices outlined in the SWMP, which will include erosion control and revegetation measures.

3. Xcel Energy acknowledges this recommendation. To avoid or minimize potential project impacts to Mule Deer, permitted and authorized human activities associated with Pathway construction, operation and decommissioning phases occurring within the currently mapped Mule Deer Severe Winter Range will be conducted outside the December 1st to April 30th timeframe. If this cannot be achieved, these activities will begin outside the winter timing.

4. Xcel Energy acknowledges this recommendation. To avoid or minimize potential project impacts to Mule Deer, permitted and authorized human activities associated with Pathway construction, operation and decommissioning phases occurring

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	<ul style="list-style-type: none">• If nesting Burrowing Owls are present, no human encroachment or surface disturbance should occur within a 200-meter buffer of nesting burrows from March 15th to August 31st.• If Burrowing Owls occupy the site, CPW recommends that earthmoving and other disturbance activities be delayed until late fall after they have migrated.• If seismic work could disturb or collapse dens containing nests, that work should avoid the nesting period. <p>7. <u>Swift Fox Potential Denning Habitat</u> Swift fox (<i>Vulpes velox</i>) is listed in Colorado as a species of State Special Concern, and several of the areas of the proposed Project area contain potential swift fox denning habitat. To minimize the impact of future development on occupied, high-quality swift fox habitat, CPW recommends the developer conduct pre-construction surveys for active den sites in coordination with CPW. CPW also recommends no human encroachment, surface disturbance, or construction activity within 0.25 miles of an active maternal den site from March 15 through June 15. The “Ongoing survey efforts” section of the development review letter provided by Xcel dated September 11, 2024, does not mention any surveys for Swift Fox to date or future plans to conduct surveys. CPW recommends completing these surveys moving forward to confirm that there are no denning habitats within the proposed Project area.</p> <p>8. <u>Mountain Plover Nest Sites</u> Mountain Plovers (<i>Charadrius montanus</i>) are listed in Colorado as a species of State Special Concern. CPW recommends that surveys be completed using U.S. Fish and Wildlife Service (USFWS) protocols in potential nesting habitats and that any active Mountain Plover nests within the proposed Project area are protected through the application of appropriate spatial buffers, and planning construction activity within nesting habitats outside of critical nesting periods for the species (April 1 through August 15).</p>	<p>within the currently mapped Mule Deer Severe Winter Range will be conducted outside the December 1st to April 30th timeframe. If this cannot be achieved, these activities will begin outside the winter timing.</p> <p>5. Xcel Energy acknowledges this recommendation. To avoid or minimize potential project impacts to Pronghorn, permitted and authorized human activities associated with Pathway construction, operation and decommissioning phases occurring within the currently mapped Pronghorn Winter Concentration will be conducted outside the January 1st to April 30th timeframe. If this cannot be achieved, these activities will begin outside the winter timing.</p> <p>6. Xcel Energy acknowledges this recommendation. If Pathway vegetation clearing cannot occur during the nonbreeding season, vegetation clearance surveys, nest surveys, and burrowing owl surveys may be conducted per USFWS and CPW guidance to identify avian nesting activity and determine appropriate avoidance buffers or monitor active nest sites until</p>
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Mountain Plovers can nest in short-grass prairie, dryland cultivated farms, and prairie dog towns; all of which are located within the proposed Project boundary. Where active nests are identified immediately ahead of construction, CPW recommends that they should be flagged and avoided through the application of a seasonal restriction of no human disturbance within 300 feet until the young are hatched and independent of the nest as determined by CPW or a qualified biologist.

9. Raptors and Migratory Birds

The proposed Project area contains suitable habitat for nesting raptors and migratory birds. To ensure compliance with the MBTA and the Bald and Golden Eagle Protection Act, CPW recommends consultation with USFWS prior to construction of the proposed Project. All migratory birds are protected from potential take under the MBTA, and any removal or disturbance of an active migratory bird nest requires prior consultation with CPW and USFWS. Both active and potential nest sites, as well as winter night roosts, should be considered when evaluating potential disturbance during construction.

Along with the raptor nest surveys, CPW recommends transmission lines be installed consistent with Avian Power Line Interaction Committee (APLIC) standards and that bird diverters be installed within 1/4-mile of any lake, drainage, or riparian area and within the raptor nesting buffer for all active nests.

CPW appreciates the opportunity to comment on the proposed Arapahoe County portion of Xcel's power pathways transmission in northeastern Colorado. CPW requests that Xcel and Arapahoe County continue to involve our staff as the development of this Project continues. CPW would like the opportunity to review the results from all biological surveys conducted by Xcel so we can provide more specific site-based recommendations. CPW

determined to be inactive. Xcel Energy will continue to coordinate with USFWS and CPW to address concerns regarding wildlife impacts throughout planning, design, and construction of Pathway, and will comply with all applicable regulatory requirements.

7. Pathway's proposed route in Arapahoe County does cross the Swift Fox Overall Range (mapped by CPW). Xcel Energy will conduct preconstruction surveys for swift fox den sites along the Pathway right-of-way and other areas of disturbance within swift fox overall range. If potential swift fox den sites are observed within the Pathway right-of-way, pre-construction den activity surveys will be conducted for such identified dens.

8. CPW recommendations (CPW 2021) will be incorporated where practicable. Xcel Energy acknowledges this recommendation. To avoid or minimize potential project impacts to Mountain Plovers, surveys will be completed in accordance with USFWS protocols. Construction activities will be conducted outside the critical nesting periods (April 1

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Referral Agency Comments

Applicant's Response

appreciates the collaboration with Xcel and SWCA as we jointly strive for responsible land use development that effectively protects sensitive wildlife species and their habitats.

through August 15). If Xcel Energy identifies an active Mountain Plover nest and cannot restrict human disturbance within 300 feet of the nest during the seasonal restriction, Xcel Energy will coordinate with CPW accordingly.

9. Xcel Energy has been coordinating with USFWS about Pathway since May 2022 and will continue to coordinate with the USFWS as needed. Xcel Energy acknowledges this recommendation and incorporated CPW's input in August 2024 in identifying bird diverter locations for Pathway.

Pathway has been sited to avoid known eagle nest and roost locations to the extent practicable. Xcel Energy is a member of APLIC and the transmission line will be designed in accordance with the "Suggested Practices for Avian Protection on Power Lines, the State of the Art in 2024" and the "Reducing Avian Collisions with Power Lines: The State of the Art in 2012" documents.

To avoid or minimize potential project impacts to eagles and other migratory birds and raptors,

Referral Agency

Referral Agency Comments

Applicant's Response

tree/vegetation clearing will be conducted during the nonbreeding season for birds, if feasible. If vegetation clearing cannot occur during the nonbreeding season, vegetation clearance surveys, nest surveys, and burrowing owl surveys may be conducted per USFWS and CPW guidance to identify avian nesting activity and determine appropriate avoidance buffers or monitor active nest sites until determined to be inactive. Bird flight diverters or other marking devices will be used in select areas based on CPW's prior recommendations.

EAST END ADVISORY COMMITTEE

No exceptions taken on either.

Noted.

Public

Email dated March 21, 2025
Hello Jeff, Jason & Arapahoe County Team,
A lot has been going on in my area of Arapahoe County! I attended the Xcel Power Pathways meeting at the Arapahoe County Fairgrounds this week. I was happy to see that Xcel has determined not to proceed with the Pathway down Box Elder Creek and will instead travel farther down Quincy, cutting south just before CR 129. I still believe the Pathway should follow CR 129 South to limit the impact of additional power lines. However, Xcel claims moving the Pathway to CR 129 is not doable. This change does avoid the certain impact of wildlife on Box Elder Creek and ensures Buckley Air training can proceed safely without the concerns of power lines, perhaps a fair compromise.

The powerline alignment south of E. Quincy Avenue has been moved further to the east away from Box Elder Creek. Xcel Energy met with Mr. Frasier and is pleased to learn that his concerns related to the Pathway Project have been satisfied.

Referral Agency

Referral Agency Comments

Applicant's Response

	<p>While at this meeting, I became aware that GMT is planning to add two oil and gas pads, North Rim and Black Canyon on the eastern edge of Lowry Range on the west side of Box Elder Creek. Hopefully, a study is done, and the pads are far enough away on Lowery Ranch not to impact wildlife on Box Elder. I want to confirm through you and the county that if these sites are to be developed that GMT follows the same rules, regulations, and requirements that have been established for the Civitas Crestone Peaks Resources PADs going in on the West side of Lowery Ranch near Blackstone and the Aurora Reservoir. While we may not have as many homeowners on the eastern side of Lowery Ranch, we are equally as close to the pad sites and should be afforded the same regulations and guidelines. Additionally, I would like to ensure GMT limits their light pollution on the sites. All of us living in the area appreciate the scenic views of the Lowery Ranch and the Front Range Mountains. We hope we can work with GMT to avoid damaging these priceless views.</p> <p>Finally, I also recently became aware that 4 water wells will be dug on Box Elder Creek near CR 194 and CR 29. Very close to the proposed oil and gas pads. The water sourced from these wells will be going to Sky Ranch a new development near Watkins. My concern is for my HOA and the 18 homes that source our water from personal wells in this area. Has the county established how much water will be sourced and sent to Sky Ranch and it impact on our existing wells? Is this source sustainable and for how long? Box Elder runs intermittently throughout the year. What is the plan should this source run dry for Sky Ranch and my development bordering these wells pulling water from us to a new development?</p> <p>I sincerely appreciate the job that you do and your response to these inquiries.</p> <p>Rick Frasier</p>	
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Staff sent referrals to the following agencies and did not receive a response:

Referral Agency**Referral Agency Comments****Applicant's Response**

- ARAPAHOE COUNTY ASSESSOR-COMMERCIAL
- ARAPAHOE COUNTY ENERGY SPECIALIST
- ARAPAHOE COUNTY/PWD ENG/TRAFFIC OPS
- AURORA FIRE DEPARTMENT
- US ARMY CORPS OF ENGINEERS
- CITY OF AURORA – ENGINEERING REFERRALS
- DENVER PLANNING SERVICES-CPD
- ARAPAHOE COUNTY SHERIFF- OFFICE OF EMERGENCY MANAGEMENT (OEM)
- ARAPAHOE COUNTY/SHERIFF/CRIME PREVENTION UNIT
- DEER TRAIL & EAST ADAMS CONSERVATION DISTRICT
- WEST ARAPAHOE CONSERVATION DISTRICT
- TOLLGATE CROSSING SUBDIVISION