

Northeast Regional Office 6060 Broadway Denver, CO 80216 P 303.291.7227

August 17, 2020

Ms. Diane Kocis
Arapahoe County Planning Division
dkocis@arapahoegov.com

RE: CPW's Comments on the Proposed Hunter Solar (2020 Amendment), East Quincy Avenue and Arapahoe County Road 129 (Kiowa-Bennett Road) (T5S, R63W, SE4 of Section 5, most of Section 8, W2 of Section 9, NW4 of Section 16) (County Case # UASI20-001).

Dear Diane,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the 2020 Amendment to Torch Clean Energy's proposed Hunter Solar Project. It is our understanding the original 741.8-acre solar development (previously commented on by CPW on September 15, 2017, and September 26, 2019), has been expanded to approximately 861 acres. The project's addition of 205 acres from the Geller Family Trust was to offset parcels that were removed due to the loss of land to potential oil and gas well pads on the Hyatt and Toft parcels, and no release of surface rights from the oil and gas lessee on the Beichle parcel. Per Torch Clean Energy's March 19, 2020 Letter of Intent, they propose to begin construction by the 3rd Quarter of 2021 to deliver power by the 3rd Quarter of 2022.

The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable 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.

Per the Use by Special Review (USR) UASI20-001, CPW agrees with Torch Clean Energy's statement that the additional 205 acres do not have any wildlife issues. CPW further believes that while the 861-acre footprint does fragment wildlife habitat, the two designated wildlife corridors along two ephemeral streams that flow into Kiowa Creek should maintain wildlife movement into the future. These movement corridors for deer and pronghorn will assist



Colorado in reaching federal (Secretarial Order 33621) and state (Executive Order D 2019 0112) goals to increase, maintain, and conserve sustainable big game populations and their movement corridors, specifically in Arapahoe County.

CPW appreciates the continued consultation since it allows us to review revised plans and share the best management practices (BMPs) for this utility-scale solar facility based on the likely site-specific and cumulative effects of this project in relation to other anticipated developments. Besides incorporating the BMPs in our previous two letters, CPW recommends the additional and clarified BMPs:

- Within two weeks of construction (e.g., initial site disturbance), please complete one more biological assessment to ensure species absence. For instance, if prairie dogs become present, then please complete a Burrowing Owl survey per CPW recommendations.
  - Regarding an update to DOI M-37050 (discussed on page 4-8 of Spirit Environmental's 7/9/20 Environmental Impact Analysis), it should be noted that on August 11, 2020, a District Court Judge disagreed<sup>3</sup> with the current Opinion M, which allowed for the rollback of the Migratory Bird Treaty Act. Therefore, CPW recommends that if initial site disturbance is proposed to occur between March 15 and October 31, then a bird survey should be completed especially for the two nests also discussed on page 4-8.
- CPW requests that the culvert to the proposed access drive that heads west from S. Brick Center Road be oversized to accommodate small to medium-sized mammals that would otherwise cross at grade level and possibly be hit by construction or maintenance vehicles.
- CPW would like to discuss with Torch Clean Energy the possibility of enhancing the informal wildlife corridor, on the south side of E. Bellview Avenue, by connecting the two drainages with some native upland shrub plantings.

CPW continues to appreciate the collaboration with Torch Clean Energy as we collaboratively strive for responsible energy development while protecting sensitive species and their habitats. This collaboration should benefit the residents, visitors, economy, wildlife species, and habitats in Arapahoe County.

If the timing or scope of this project changes and/or if you have any questions, please contact Travis Harris (District Wildlife Manager for Aurora/eastern Arapahoe County) at (303) 291-7133 or at travis.harris@state.co.us.

<sup>&</sup>lt;sup>1</sup> https://www.doi.gov/sites/doi.gov/files/uploads/so\_3362\_migration.pdf

<sup>&</sup>lt;sup>2</sup> https://drive.google.com/file/d/1HokP2Vsh749PpJtazPgldLgEjbYjypro/view

<sup>&</sup>lt;sup>3</sup> https://www.audubon.org/news/victory-federal-judge-rules-administrations-bird-killing-policy-illegal

Sincerely,

Matt Martinez

Area Wildlife Manager

cc: Michelle Zimmerman, Torch Clean Energy, Project Developer

Lance Carpenter, CPW's Area 5 Wildlife Biologist

Brandon Marette, CPW's Northeast Region Energy Liasion Kristin Cannon, CPW's Northeast Deputy Regional Manager RE: RE Case Number UASI20-001 - Amendment to the previously approved Hunter Solar project (U17-005) to add  $^{\sim}205$ -acres for a 75 Megawatt solar facility



Package\_-GltIA9sWdFtnKQvoDz9iKlZK-J.

The following attachment has been sent to you using Mail Express®:

IREA COMMENTS UAS120-001 HUNTER SOLAR.pdf (4.5 MB)

Click the links above or visit the <u>pick-up portal</u> for batch retrieval. These links will expire in 2 weeks.

Dear Mrs. Kocis;

IREA has recently constructed a new 115 kV transmission line south of our property (AKA ERU project). The applicant will be required to add the existing 115 kV transmission line and recorded easements on the property of MBM Properties. See attached markup.

# Respectfully

Brooks Kaufman
Intermountain Rural Electric Association
Lands and Rights of Way Manager
5496 N. US Hwy 85
Sedalia, CO 80135

Direct: 720.733.5493 Cell: 303.912.0765 bkaufman@irea.coop



BENCHMARKS

SITE BENCHMARK #1:
POINT-ID BM010315 RESET, ELEV. = 5760.40 (NAVD 88)
MONUMENT DESC. = APC BM P3-57, TYPE 2 MONUMENT
LOCATION = AT THE SOUTHEAST CORNER OF COUNTY ROAD 30 AND

SITE BENCHMARK #2: ELEV. = 5771.52 (NAVD 88) MONUMENT DESC. = FOUND REBAR & 2.5" ALUMINUM CAP STAMPED "WESTERN STATES SURVEYING PLS 23516"

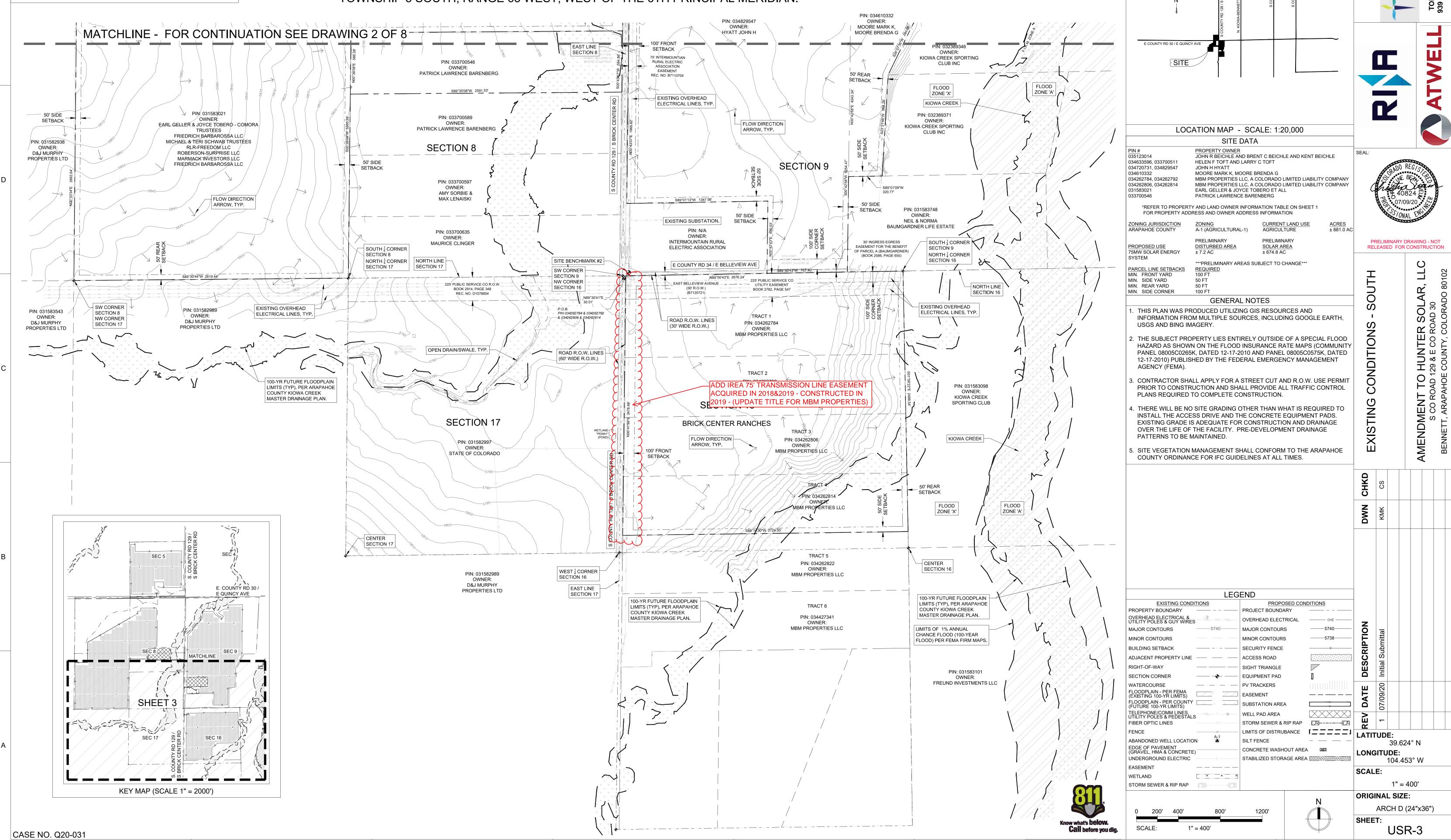
LOCATION = NORTHEAST CORNER OF BRICK CENTER ROAD ADN E.

BELLEVIEW AVE. SOUTHWEST CORNER OF THE I.R.E.A SUBSTATION

PER ARAPAHOE COUNTY VERTICAL CONTROL, PHASE 3

# AMENDMENT TO HUNTER SOLAR, LLC USE BY SPECIAL REVIEW

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, SECTION 8, THE WEST HALF OF SECTION 9 AND THE NORTHWEST QUARTER OF SECTION 16 OF TOWNSHIP 5 SOUTH, RANGE 63 WEST, WEST OF THE 6TH PRINCIPAL MERIDIAN.



ADAMS COUNTY



# Right of Way & Permits

1123 West 3<sup>rd</sup> Avenue Denver, Colorado 80223 Telephone: **303.571.3306** Facsimile: 303. 571. 3284 donna.l.george@xcelenergy.com

August 7, 2020

Arapahoe County Public Works and Development 6924 South Lima Street Centennial, CO 80112

Attn: Diane Kocis

Re: Hunter Solar, Case # UASI20-001

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has determined there is a potential conflict with the above captioned project. Public Service Company has existing electric transmission lines and associated land rights as shown within this property. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner. PSCo is requesting that, prior to any final approval of the development plan, it is the responsibility of the property owner/developer/contractor to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement (via website <a href="https://www.xcelenergy.com/rightofway">www.xcelenergy.com/rightofway</a> or email <a href="mailto:coloradorightofway@xcelenergy.com">coloradorightofway@xcelenergy.com</a>).

Donna George Right of Way and Permits

Public Service Company of Colorado / Xcel Energy

Office: 303-571-3306 – Email: <a href="mailto:donna.l.george@xcelenergy.com">donna.l.george@xcelenergy.com</a>



August 5, 2020

Diane Kocis Arapahoe County Public Works and Development 6924 S. Lima Street Centennial, CO 80112

RE: Hunter Solar, UASI20-001

TCHD Case No. 6392

Dear Ms. Kocis,

Thank you for the opportunity to review and comment on a major amendment for a solar project located southwest of Kiowa-Bennet Road and Quincy Avenue. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

# Renewable Energy

Alternative energy supplies generally do not contribute to air and water pollution and can have a positive impact on the environment. TCHD commends the applicant for bringing forward a proposal that promotes the use of renewable energy.

# **Wastewater Service during Construction**

TCHD has no objection to the use of portable toilets, provided the units are properly cleaned and maintained. While TCHD cannot require the use of hand sinks, we recommend that the applicant provide those for the workers, as it will reduce the potential for the transmission of disease. The case narrative states that portable toilets will be maintained and a hand sink will be provided.

# **Solid Waste**

Rodents, such as mice and rats, carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. As rodents are attracted to trash, TCHD strongly recommends that all trash dumpsters on site during construction are equipped with a closeable lid and with regular collection and disposal at an approved landfill. The case narrative states that dumpsters will be equipped with lids and will be emptied and maintained regularly.

Please feel free to contact me at 720-200-1575 or <a href="mailto:kboyer@tchd.org">kboyer@tchd.org</a> if you have any questions on TCHD's comments.

Sincerely,

Kathy Boyer, REHS

KBG\_

Land Use and Built Environment Specialist III

cc: Sheila Lynch, Dylan Garrison, TCHD



6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

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# Planning Division Referral Routing

Case Number / Case Name: UASI20-001/ Hunter Solar Major Amendment

Planner: Diane Kocis
Engineer: Joseph Boateng
Date: July 20, 2020
Date to be returned: August 7, 2020

	Arapahoe County Agencies				
$\boxtimes$	Assessor / Arapahoe County	Karen Hart		Citizen's Organizations	
	Environmental / Arapahoe County	Lisa Knerr		CCNA-Cherry Creek Neighborhoods Ass.	
	Attorney/Arapahoe County	Robert Hill	$\boxtimes$	UACED	Janet Cook
	Building / Arapahoe County	Joe Richards		CENCON-(Within Centennial)	
	Engineering / Arapahoe County	Joseph Boateng		Four Square mile Neighborhood	
	Mapping / Arapahoe County	Karen Kennedy		South Metro Chamber of Commerce	
	Oil & Gas / Arapahoe County	Diane Kocis		Conservation District	
$\boxtimes$	Open Space / Arapahoe County	Roger Harvey		Deer Trail Conservation District	
	Planning / Arapahoe County	Diane Kocis	$\boxtimes$	West Arapahoe Conservation District	Tasha Chevarria
	Sheriff / Arapahoe County	Glenn Thompson		Transportation	
		Scott Sickafoose			
$\boxtimes$	Weed Control / Arapahoe County	Russell Johnson		CDOT / State Highway Dept- Region 1	
$\boxtimes$	Transportation Division	Jim Katzer		CDOT / State Highway Dept- Region 6	
$\boxtimes$	Zoning / Arapahoe County	Caitlyn Cahill		E-470 Authority	
	Referral Agencies			RTD	
	Architectural Review Committee			Utilities: Gas, Electric & Phone	
	Colorado Geologic Survey			CenturyLink/Phone	
	CGS Colorado Geological Survey-Soils			Conoco Phillips / Gas Pipeline	
	City / Town	Strasburg Community Association		XCEL Energy	Donna George
	Colorado Parks and Wildlife	Brandon Marette		IREA	Brooks Kaufman
	County			Water / Sanitation / Stormwater / Wetlands	
	DRCOG			ACWWA	
	Fire District	Strasburg		US Army Corps. of Engineers	Ellison Koonce
	Metro District			CCBWQA	
	Post Office Growth Coordinator	Krissy Summerfield		Colorado Division of Water Resources	Joanna Williams
	Reap I-70 Regional Economic Advancement Partnership	Julio Iturreria		SEMSWA	
	Recreation District / Park District (External)			ECCVW&S	
	School District	Bennett	$\boxtimes$	Urban Drainage	David Mallory
	Special District				
	Tri-County Health Dept.	S. Lynch, K. Boyer	$\boxtimes$	Other Kiowa Creek Resources	Ryan McNeil
$\boxtimes$	East End Advisory Committee	5 members			

	COMMENTS:	SIGNATURE
	Have NO comments to make on the case as submitted	
<u>X</u>	Have the following comments to make related to the case:	In reviewing this project, it appears that it is well thought out and located in an area where the solar panels should not create any issue environmentally. I support this project. Tom Coker



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# Planning Division Referral Routing

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Engineer: Joseph Boateng
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	·	Scott Sickafoose		·	
$\boxtimes$	Weed Control / Arapahoe County	Russell Johnson		CDOT / State Highway Dept- Region 1	
$\boxtimes$	Transportation Division	Jim Katzer		CDOT / State Highway Dept- Region 6	
$\boxtimes$	Zoning / Arapahoe County	Caitlyn Cahill		E-470 Authority	
	Referral Agencies			RTD	
	Architectural Review Committee			Utilities: Gas, Electric & Phone	
	Colorado Geologic Survey			CenturyLink/Phone	
	CGS Colorado Geological Survey-Soils			Conoco Phillips / Gas Pipeline	
$\boxtimes$	City / Town	Strasburg Community Association		XCEL Energy	Donna George
$\boxtimes$	Colorado Parks and Wildlife	Brandon Marette	П	IREA	Brooks Kaufman
	County	Dianuon Maiette	H	Water / Sanitation / Stormwater /	1
	County			Wetlands	
	DRCOG			ACWWA	
$\boxtimes$	Fire District	Strasburg		US Army Corps. of Engineers	Ellison Koonce
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	School District	Bennett	$\boxtimes$	Urban Drainage	David Mallory
	Special District				
$\boxtimes$	Tri-County Health Dept.	S. Lynch, K. Boyer	$\boxtimes$	Other Kiowa Creek Resources	Ryan McNeil
$\boxtimes$	East End Advisory Committee	5 members			

COMMENTS:	SIGNATUR	E
Have NO comments to make on the case as submitted	James Shelley, Executive Director UACED	James Shelley
Have the following comments to make related to the case:		



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# Planning Division Referral Routing

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Planner: Diane Kocis
Engineer: Joseph Boateng
Date: July 20, 2020
Date to be returned: August 7, 2020

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	Special District				
	Tri-County Health Dept.	S. Lynch, K. Boyer	$\boxtimes$	Other Kiowa Creek Resources	Ryan McNeil
$\boxtimes$	East End Advisory Committee	5 members			

	COMMENTS:	SIGNATURE
X	Have NO comments to make on the case as submitted	Julio Iturreria Reap I-70 Regional Economic Advancement Partnership
	Have the following comments to make related to the case:	

# **Zoning Referral Response**

Thank you Diane, I apologize for the delay but the review is complete with no comments and it signed off in Acella and on the redline plan set.

Michelle Lantz | Arapahoe County Zoning Public Works and Development 6924 S. Lima Street | Centennial, CO 80112 720-874-6711 | www.ArapahoeGov.com

Arapahoe County Public Works and Development Offices are open to the public <u>by</u> <u>appointment only</u> to ensure social distancing in accordance with the State's Safer at Home Order. The County requires anyone visiting County Offices to wear a mask or facial covering while indoors.

Most Public Works employees are still working offsite but can assist you by phone or email. Many County services can also be accessed online and I urge you to visit our website at <a href="https://www.arapahoegov.com">www.arapahoegov.com</a> to learn more.

From: Diane Kocis < <a href="mailto:DKocis@arapahoegov.com">DKocis@arapahoegov.com</a>>

**Sent:** Friday, August 14, 2020 9:00 AM

To: Michelle Lantz < MLantz@arapahoegov.com >

Subject: FW: RE Case Number UASI20-001 - Amendment to the previously approved Hunter Solar

project (U17-005) to add ~205-acres for a 75 Megawatt solar facility

# Hi Michelle,

Here is the email I sent last month to Caitlyn for Zoning to review the Hunter Solar Amendment. These attachments might be helpful.

Thanks for taking care of this! Diane

From: Diane Kocis

Sent: Monday, July 20, 2020 7:55 PM

To: Diane Kocis < DKocis@arapahoegov.com>

Cc: Terri Maulik <TMaulik@arapahoegov.com>; Michelle Lengyel <MLengyel@arapahoegov.com>;

Joseph Boateng < <u>JBoateng@arapahoegov.com</u>>; Land Use Submittals

<LandUseSubmittals@arapahoegov.com>

**Subject:** RE Case Number UASI20-001 - Amendment to the previously approved Hunter Solar project (U17-005) to add ~205-acres for a 75 Megawatt solar facility

Dear Referral Person,

You are bcc'd on this email. Attached are materials for your review, related to an application for a major amendment to the approved Hunter Solar facility. The Arapahoe County Planning Division is seeking



6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

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# Planning Division Referral Routing

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Planner: Diane Kocis
Engineer: Joseph Boateng
Date: July 20, 2020
Date to be returned: August 7, 2020

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		Scott Sickafoose			
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$\boxtimes$	Zoning / Arapahoe County	Caitlyn Cahill		E-470 Authority	
	Referral Agencies			RTD	
	Architectural Review Committee			Utilities: Gas, Electric & Phone	
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	Special District				
	Tri-County Health Dept.	S. Lynch, K. Boyer	$\boxtimes$	Other Kiowa Creek Resources	Ryan McNeil
$\boxtimes$	East End Advisory Committee	5 members			

	COMMENTS:	SIGNATURE
	Have NO comments to make on the case as submitted	
<u>X</u>	Have the following comments to make related to the case:	Joe Richards CBO PWD Building Division Manager
The	Solar Farm will be reviewed as an F1 occupancy. Please subn	nit all Engineers Stamped Plans along with the required Permits.
A pro	e submittal meeting via Teams is required prior to permit subm	ission.

# Referral from Weed Control Specialist

Proper weed control (preventing reproduction by seed or root) is defined by the use of Integrated Weed Management techniques, which includes cultural control, i.e. re-vegetation to achieve control. Establishing and maintaining healthy habitats is the desired outcome by the County so it would be necessary for the applicant to control weeds should they invade a disturbed area in order to satisfy the GESC requirements.

# Russ J.

Fax: 303-874-6611

Russell Johnson Arapahoe County Weed Control Specialist 6924 S. Lima St. Centennial, CO 80112 Phone: 720-874-6713



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# Planning Division Referral Routing

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	Tri-County Health Dept.	S. Lynch, K. Boyer	$\boxtimes$	Other Kiowa Creek Resources	Ryan McNeil
$\boxtimes$	East End Advisory Committee	5 members			

	COMMENTS:	SIGNATURE
$\boxtimes$	Have NO comments to make on the case as submitted	Glenn Thompson, Bureau Chief, Arapahoe County Sheriff's Office
	Have the following comments to make related to the case:	



Arapahoe County Public Works & Development Engineering Services Division 6924 South Lima St. Centennial. Colorado 80112

Centennial, Colorado 80112 Phone: 720-874-6500

# Arapahoe County Public Works & Development Engineering Services Division 3<sup>rd</sup> Submittal

Date: December 30, 2020

To: Diana Kocis

From: Joseph Boateng, PE, Case Engineer, Engineering Services Division

Cc: Chuck Haskins, Engineering Services Division, Division Manager

Case File

Re: UASI-20-001

Dear Michelle Zimmerman,

The Arapahoe County Public Works and Development – Engineering Services Division (Staff) has reviewed the resubmittal and have no further comment. The Engineering Service Division has approved:

- The Drainage Report
- The Gesc Report
- The Gesc Plan

Sincerely,

Joseph Boateng. Engineering Services Division

Cc: Charles V. Haskins, Manager, Engineering Services Division

UASI-20-001