



Board Summary Report

File #: 26-318

Agenda Date: 6/23/2026

Agenda #: 6.a.

To: Board of County Commissioners

Through: Ceila Rethamel, Acting Director, Public Works and Development

Prepared By:
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Presenter: Molly Orkild-Larson, Principal Planner, Public Works and Development

Subject:
ASI25-001, Colorado's Power Pathway 345-kV Transmission Line 1041 (Areas and Activities of State Interest)

Purpose and Request:

Public Service Company of Colorado (the "Applicant" or "Xcel Energy") is seeking approval of a 1041 application (Areas and Activities of State Interest) for proposed construction of approximately 18 miles of new 345-kV double-circuit electric transmission line in Arapahoe County (one mile is within the City of Aurora and was approved separately by the City of Aurora).

The proposed 345kV transmission power line commences at the Harvest Mile Substation (4455 S. Harvest Road) and then heads north to the north side of E. Quincy Avenue. The transmission line then continues east for approximately 11.5 miles and then crosses E. Quincy Avenue and travels east along this road. The transmission line then turns south between S. Tom Bay Road and S. Brick Center Road. The line continues south for five miles until E. County Line Road and then heads east approximately 1.3 miles before turning south into Elbert County.

Alignment with Strategic Plan: Sustainable Growth and Infrastructure - Support environmentally responsible development and energy efficiency in county operations.

Background and Discussion: The Harvest Mile Substation was approved in 2017 (ASI16-004, L16-006), and the Applicant is not proposing to change what was approved within the substation.

The Eastern Plains region of Colorado is one of the nation's best areas for wind and solar energy generation, but it does not currently have a network transmission system that can integrate these new generation resources into the state's interconnected grid system, which is needed to meet Colorado's legislature's statutory clean energy targets. The Colorado's Power Pathway project (Pathway) will support Xcel Energy's Clean Energy Plan (Xcel Energy 2021) that is estimated to deliver as much as an 85 percent reduction in carbon dioxide emissions by 2030 and add approximately 5,000 megawatts of new wind, solar, and other energy resources. Pathway is a critical component of Xcel Energy's efforts to meet the state's statutorily required clean energy targets as well as Colorado's growing electricity needs. Per Xcel, Pathway will also improve safety, reliability, and energy affordability. Xcel Energy proposes to construct, maintain, and operate Pathway in eastern Colorado.

Pathway is a \$1.7 billion investment proposed by Xcel Energy to improve the state's open, interconnected electric grid and enable future renewable energy development around the state.

Pathway includes:

- Installation of approximately 550 miles of new 345-kilovolt (kV) double-circuit transmission line in 12 counties.
- Construction of four new electric substations (Canal Crossing, Goose Creek, May Valley, and Sandstone).
- Expansion, equipment additions, or equipment upgrades at four existing electric substations (Fort St. Vrain, Pawnee, Harvest Mile, and Tundra).

Pathway will be constructed in five segments. Segment 5 includes approximately 124 miles of new 345-kV double-circuit electric transmission line within a 150-foot-wide easement, as well as permanent and temporary easements required for access during construction and for operation and maintenance, and temporary construction areas during construction. Segment 5 will be constructed within five counties, including Arapahoe, Elbert, El Paso, Lincoln, and Pueblo. Approximately 18 miles of Segment 5 are within Arapahoe County.

A Location and Extent (LE25-003) is being processed concurrently with this 1041 application. On May 19, 2026, both applications were before the Planning Commission (PC) for approval and recommendation of approval to the Board of County Commissioners (BOCC), respectively. At this hearing, the Applicant requested the revision of three of the conditions of approval regarding wildlife on the 1041 application, but withdrew their request when County legal staff recommended postponing the hearing to another date to work out these conditions with the County and Colorado Parks and Wildlife (CPW). The PC approved the Location and Extent application and recommended approval of the 1041 application, as presented, with a 6-0 vote.

Planning staff had a follow-up conversation and meeting with CPW on May 22, 2026, to discuss the three wildlife conditions of approval that the Applicant wished to amend during the May 19, 2026 PC hearing. In this meeting, CPW indicated that they supported the conditions the Applicant had proposed for Conditions (f) and (g) regarding human activity during sensitive periods for pronghorn and mule deer as well as the removal of the requirement of conducting a survey prior to construction or grading of the affected area. CPW didn't support requiring surveys for these conditions since they do not have a specific survey protocol or guidelines for pronghorn and mule deer. The changes, as renegotiated by staff and CPW, after PC's recommendation, provide better clarity as to Applicant's authorized activities associated with Pathway construction, while mitigating degradation to the terrestrial animal life in the area of Pathway.

CPW also wanted to amend the burrowing owl condition under (h) to better clarify what was needed to protect this species. County Staff agreed with this change since the amendment was just wordsmithing and not a material change from PC's initial recommendation.

The Applicant also proposed to remove Condition I, but CPW indicated in the May 22 meeting that they opposed its removal since the installation of bird diverters on the transmission lines reduces the risk of fatal collisions and electrocution of birds. Staff is proposing to maintain this condition, as approved by the PC, since it will protect the birds.

These changes are reflected in the staff's recommendation; however, please note that staff's recommendations below differ from PC's approval concerning conditions (f), (g), and (h) only. All

other conditions are as approved by PC on May 19, 2026.

Alternatives: The Board of County Commissioners has alternatives that include the following:

1. Approve the proposed 1041 application with the proposed conditions as approved and recommended by the Planning Commission.
2. Approve the proposed 1041 application with the conditions as amended by the specific language in the BSR to conditions (f), (g), and (h) as contained herein.
3. Approve the proposed 1041 application with alternative conditions.
4. Refer the proposed 1041 application back to the Planning Commission for further consideration.
5. Deny the proposed 1041 application.
6. Continue to a date certain for more information.

Fiscal Impact: None.

Alignment with Strategic Implementation Strategies: This proposal is quasi-judicial and is evaluated against criteria in the Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations).

Staff Recommendation: Considering the findings and other information provided herein, staff recommends approval of Case No. ASI25-001, Colorado's Power Pathway 345-kV Transmission Line 1041, is subject to the following conditions of approval:

- a. Prior to the signature of the final copy of these plans, the Applicant must update the Location and Extent Plan Set consistent with comments received from Public Works and Development staff as transmitted to the Applicant on March 16, 2026, and add reception numbers to the Plan Set as per the email dated April 23, 2026.
- b. Colorado Army National Guard (COARNG) shall be provided advance notice of all construction dates and construction-related ground activities on the specified property as soon as reasonably possible. Notice shall be provided to Greg White, Aviation Safety Officer, at 720-250-1601. Specified property: State of Colorado property (south and east of the Aurora Reservoir) and portions of the transmission line along E. Quincy Avenue that is north and adjacent to the State of Colorado property.
- c. Transmission Pole 694 is within 100 feet of an existing water well and therefore requires protection. A protective construction fence around this well to prevent damage during the construction of the transmission line is required.
- d. As defined by the Clean Water Act, if Waters of the United States are impacted, inclusive of wetlands, a CWA Permit 404 shall be obtained prior to construction.
- e. No surface occupancy and no ground disturbance (year-round) within 500 feet, where reasonably possible, of the ordinary high-water mark of all of Box Elder and Coal Creek's surface waters shall be allowed. Where occupancy or ground disturbance outside the 500-foot buffer is not reasonably possible, then the Applicant shall install appropriate stormwater and sediment control according to the Colorado Department of Public Health and Environment's Stormwater Management Plan and/or Arapahoe County Grading Erosion Sediment Control Plan to protect the creek and any associated wetlands from erosion and sedimentation.

f. Applicant shall make reasonable efforts to conduct permitted and authorized human activities associated with Pathway construction, which occur within the currently mapped Pronghorn Winter Concentration, outside the January 1 through April 30 timeframe ("Pronghorn Winter Timing") to avoid or minimize potential impacts to Pronghorn populations. If this cannot be achieved, Applicant shall make reasonable efforts to commence Pathway construction outside the Pronghorn Winter Timing and shall be permitted to continue through the Pronghorn Winter Timing to reduce stress on Pronghorn populations.

g. Applicant shall make reasonable efforts to conduct permitted and authorized human activities associated with Pathway construction, which occur within the currently mapped Mule Deer Severe Winter Range, outside the December 1 through April 30 timeframe ("Mule Deer Winter Timing") to avoid or minimize potential impacts to Mule Deer populations. If this cannot be achieved, Applicant shall make reasonable efforts to commence Pathway construction outside the Mule Deer Winter Timing and shall be permitted to continue through the Mule Deer Winter Timing to reduce stress on Mule Deer populations.

h. The Applicant shall conduct a pre-construction survey for vegetation clearing activities resulting in ground disturbance between March 15 and October 31 to determine the presence of burrowing owls following CPW's protocol. The survey results shall be submitted to CPW for their review. If burrowing owls are found, the Applicant shall coordinate with CPW to determine appropriate avoidance buffers or monitor active nest sites until determined to be inactive.

i. If grading or construction is to occur from March 15 to June 15, the Applicant shall conduct a survey to identify and locate swift fox den sites in the construction area within the swift fox overall range. The survey results shall be submitted to CPW and the Planning Division for their review. If a den is identified and located, no human encroachment, surface disturbance, or construction within 0.25 miles of an active maternal den unless CPW advises the County that the survey results do not support the need to limit said activities.

j. If grading or construction is to occur from April 1 to August 15, the Applicant shall conduct a survey for Mountain Plover Nest Sites. If active nests are identified and the Applicant cannot restrict human disturbance within 300 feet of the nest through the seasonal restriction, then disturbance may be allowed if CPW advises the County that the survey does not support limiting such activities.

k. Prior to construction, if vegetation clearing cannot occur during the nonbreeding season of raptors, migratory birds, and burrowing owls (September 1 through April 15), the Applicant shall conduct surveys 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. If construction activities must occur inside CPW recommended buffers of an active raptor nest, a qualified biologist will be assigned to monitor the active raptor nest during project construction to ensure nesting raptors do not become disturbed and abandon their nest.

l. Transmission lines shall be installed consistent with Avian Power Line Interaction Committee standards, and bird diverters shall be installed within 0.25 miles of any lake, drainage, or riparian area and within the raptor nesting buffer for all active nests.

Concurrence: The Planning Commission recommended approval with conditions of this 1041

application on a 6-0 vote on May 19, 2026, at the public hearing, as shown in the PC staff report. The BOCC will vote on the proposed application as approved by the Planning Commission or on the revised conditions of approval as provided above.