

Memo

Date: Wednesday, October 13, 2021

Project: Xcel 8455 Electric Transmission Line Access Grading

To: Nina Ruiz – Dir Planning, El Paso County

From: Brian Brown - HDR

Subject: Planning Review submittal for El Paso County Review

Below is the text of an email sent to Nina Ruiz on Oct 11, 2021. This explains the project approach and previous contacts with County staff.

Nina,

I have signed up via the El Paso County website but need direction from you to proceed further. In order to help move that along, I have the following to offer about the project work, the 1041 applicability, and requirements of additional County permits:

1041 Exemption

This project is to improve access to the existing transmission line. There is no change nor work on the line or any of the structures associated with this access improvement effort. In reading the 1041 requirements, based on the screen clips below, I don't think this work requires a 1041 or Planning approval process. But that is obviously for you to decide.

From 1041 exemptions list - section 1.105 Exemptions #6. This work can fall under this exemption as the regular operation of the line requires scheduled line inspection. Since Xcel is losing their normal line inspection routes, a new route needs to be created for both inspection and future regular line maintenance.

- 6. The day-to-day operations of an existing project or facility, or a minor change in the operation of an existing project or facility, including retrofitting or updating technology, so long as the change in operation does not constitute a material change and does not cause negative impacts different from that of the existing facility or project or otherwise exacerbate existing impacts. The determination of minor change, material change, and negative or exacerbating impacts shall be made by the Development Services Department Director.**

From Utility exemption List – section 5.104 Applicability; Prohibitions. Though access is not specifically called out, I expect the intent of the exemption would allow for modifications for access grading required as access is required to allow the exempted activities listed below given that the access grading does not change the structures or line itself.

- 3. A Permit is not required under this Chapter for the following activities: repair of storm damage, reframing, pole replacement, re-conductor and maintenance in the normal course of business without increasing the voltage rating of the transmission line, or reconstructing, upgrading or replacing substation equipment inside an existing substation or within an existing substation fence.**

Project Grading Approach

The project is broken up into discrete areas where grading disturbances are less than an acre and each grading area is more than 1,320' from the next grading area. This distance, in the County's and State's view, mean each grading area is a separate project. The screen clip below is an example of this approach where the green lines are a potential grading area with more than 1320' separation to the next grading area. Xcel will verify that each grading disturbance footprint is less than an acre, has the required separation, and therefore neither a County Grading nor State SWMP permit is required. Note that Xcel will not be able to provide access to all the structures desired due to the separation requirement and so there are some decisions that Xcel will make this week about which structures to leave as is regarding access.



Additional County Permits

- Based on separate grading areas, County staff (Gilbert LaForce and Christina Prete) has determined that neither an erosion control nor grading permit is required for this work.
- For any access from a County ROW, Xcel will obtain a County ROW permit prior to utilizing such access.

Erosion Control

While not required for permitting, Xcel intends to develop a SWMP plan set for this grading disturbance, install control measures, inspect during construction, and seed and mulch the disturbed areas once construction complete. They intend to do this to better stabilize the area and minimize erosion impacts given the future long-term access as well as the high visibility of the access along the backyards of the residences.

Please let me know if additional information is needed at this point.

Thanks,
Brian Brown, 970-215-4616, brian.brown@hdrinc.com