

**Front Range-Midway Solar Project, LLC**

422 Admiral Boulevard  
Kansas City, Missouri 64106  
savionenergy.com

November 12, 2020

Ms. Kari Parsons  
El Paso County Planning and Community Development Department  
2880 International Circle  
Colorado Springs, CO 80910

RE: Comment Response for Front Range-Midway Solar Project, LLC Amendment Application for Areas and Activities of State Interest ("1041"; AASI-20-002), Pre-Submittal #1

Dear Ms. Parsons,

Front Range-Midway Solar Project, LLC (Applicant) is pleased to submit the revised documents for the Front Range-Midway Solar Project (FRMW Project) amendment application for a permit to conduct a designated activity of state interest (AASI-20-002). The revisions to this application address the review comments provided by El Paso County Planning & Community Development (PCD) dated October 8, 2020. All comments provided are listed below and the Applicants' response to each comment follows in *italics*.

**Review of Section 2.303 Requirements**

- 1) "The proposed Permit Application did include the application in the format of Exhibit B. The following changes are required to Application Exhibit B: The application also needs to be signed by all the landowner(s).

*Answer 2 in Exhibit B, remove language project "remains same" if that were the case a WSEO and 1041 amendment would not be required. Modify paragraph accordingly.*

*The file number is incorrect. The project is located X. Please verify that the appendix corresponds with the most recent document and is properly referenced throughout the 1041 application. The WSEO map as approved by the BOCC should be included in the appendix, when available."*

**Response:** *The Application Form has been revised. Authority to Represent Letters have been submitted in lieu of landowner signatures. Language in answer 2 has been revised. The file number has been corrected. The project location is identified. Each appendix has been identified as to what is revised for this amendment and is referenced by letter and title throughout the 1041 application. The WSE-O Plan approved by the BoCC is included, although not yet signed.*

- 2) "Submittal matrix has been provided by PCD in EDARP. Provide the appendices name and title in each answer if you are referring to the appendix."

**Response:** *The 1041 application has been submitted in EDARP. The application refers to the appendices by letter and name throughout.*

- 3) "Please upload notice (previous) in EDARP where appropriate."

**Response:** *The Mineral Rights Certification from the original 2018 application (AASI-18-002) has been uploaded.*

- 4) "Information describing the applicant (page 23 of 1041 regulations):

- a) Add landowners
- b) Not Provided-please provide
- c) Not provided. The application also needs to be signed by all the landowner(s).

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- d) Provided- how much does the project cost, is to be financed? How long? Etc..., provide details relative to this project.
- e) Incomplete- wrong file number correct throughout application, Describe the team and provide bios.”

**Response:** (a) Landowners were added. (b) Additional information has been added. (c) Additional information has been added. Authority to Represent Letters are attached in Appendix A Application Form in lieu of signatures. (d) Additional information has been added. (e) File number is corrected. Team bios have been added.

5) “Information describing the Project:

- a. Provided
- b. Need to update based on comment above- it is not the same project as it was in 2018.
- c. Need to update based on comment above- it is not the same project as it was in 2018.
- d. Not Provided. Please address the requirement to provide a “Description of alternatives to the Project.” The response does not address alternative siting options, which would include on-site and off-site alternatives
- e. Provided. The response includes a 25 year “minimum life of the Project”. The application, exhibit B of the 1041 regulations, states 35 years. Please address.
- f. Not Provided. The response should also identify the State mandate for renewable energy, and should go to the next step in identifying how this project fits into a utilities (CSU / WAPA/ MVEA /PSCO) compliance with that requirement, thereby identifying the actual need/demand for the project.
- g. Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own
- h. Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own. Who are the potential utility providers; how much energy per provider is expected to be in demand?
- i. Provided”

**Response:** b, c, d, e) The Application has been updated accordingly. The life of the Project was clarified. f) The State mandate was added in the response with additional text for the Project need. g and h) The Application has been updated accordingly.

6) “Property rights, other permits, and approvals:

- a. Incomplete- Is there a lease with County? What about the other leases for easements or lines?
- b. Partially Addressed- Wrong file number, EPC construction permit needed...
- c. Partially Addressed – Summarize the conclusion of reports you are referring to...pending the two (2) cultural survey sites are preserved as commented in the WSEO application. Please note that conditions of any 1041 Permit issued for this project will include the requirement to provide copies of all pending state and/or federal permits.”

**Response:** a) The Application has been updated accordingly. There is a lease with the County and landowners. Easement for required crossings will be negotiated at for the Site Development Plan. b) The

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*file number has been updated. The EPC contractor will be procured after the 1041 permit is approved.*  
c) *The report summaries have been added.*

7) “Land Use

- a. Not Provided. The map does not provide the existing land uses or zoning in the area of the project. For instance, the Substations, landfills, and resident development sites should be labeled as an existing residence or substation Please revise.
- b. Provided.
- c. Partially Provided. The response does not address most of the Master Plan elements, such as: 1) the County-wide Policy Plan (and specific policies and goals therein, including, but not limited to, Section 10 Water and Wastewater Facilities and Service and Section 6 Growth and Land Use), 2) Parks Master Plan (need to generally address), and 3) the Master Plan for Mineral Extraction (also need to generally address). The discussion of conformance to the South Central Comprehensive Plan, (the South Central Comprehensive Plan does not have sub areas but rather identifies “planning districts” within its boundary). Please update discussion to identify the planning district and the district’s relative goals & policies.  
Major Transportation Corridors Plan. The El Paso County Master Plan represents a compilation of documents (a.k.a. Master Plan elements), which are all available at: <https://planningdevelopment.elpasoco.com/resources-and-references/#1516982531779-52cc0e87-01af>
- d. Not Provided. The Colorado Energy Office is a good resource to find State planning policies pertaining to solar energy generation development. The CEO website can be found at: <http://www.colorado.gov/cs/Satellite/GovEnergyOffice/CBON/1251597744880>. Please include a discussion of such policies and “whether and how the proposed Project conforms” to the policies. With regard to regional planning documents, the Pikes Peak Area Council of Governments Regional Sustainability Plan specifically addresses solar energy in the Energy section of the Plan. The Plan can be found at: <http://www.ppacg.org/files/SUSTAINABILITY/Final%20PPR%202030%20Plan.pdf>. Please address “whether and how the proposed Project conforms” to the policies in the Plan.
- e. Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own.
- f. Partially Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own.
- g. Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own. However, the response does not address the potential for impacts associated with snow, and even more specifically with regard to blowing snow creating drift that can block or even potentially cause damage to the panels and other electrical facilities. Does the plan for construction of the arrays allow for clearance above ground in a manner that will not result in snow drifts on site or in the public roadways? Fires??? Please address.
- h. Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own.
- i. Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own.”

**Response:** a) *The Application has been updated accordingly and identifies the land use, zoning, and adjacent lands in Attachment N El Paso County Zoning Map.* c) *The Application has been updated accordingly with discussion of the Master Plan and plans associated with the Master Plan.* d) *The Application has been updated accordingly and includes a discussion on the state energy policies and Pikes*

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Peak policies and how the Project conforms to the policies. e and f) The Application has been updated accordingly. g) The Application has been updated accordingly including details on snow and fire. h and i) The Application has been updated accordingly.

8) “Surface and Subsurface Drainage Analysis

Partially Addressed-update needed. (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own.

Please note that the detailed technical review of the drainage report by PCD staff will be conducted at the Site Development Plan stage of the permitting process.

The geotechnical report should include a map identifying drainage ways, constraints and hazards to be avoided. A defined drainage channel runs through the site. Identify that the channel is not be impacted or if it, provide a reference to the drainage report.”

**Response:** *The Application has been updated accordingly to address drainage and groundwater.*

9) “Financial Feasibility of the Project

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own.”

**Response:** *The Application has been updated accordingly.*

10) “Local infrastructure and services impacts

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own.”

**Response:** *The Application has been updated accordingly.*

11) “Recreational Opportunities

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout 1041. This shall application stand on its own.”

**Response:** *The Application has been updated accordingly.*

12) ” Areas of Paleontological, Historic or Archaeological Importance

The response seems to confuse the requirement to describe the “impacts and net effect of the Project on sites of paleontological, historic or archaeological interests” with the provisions of the National Register of Historic Places Act. The requirement that needs to be addressed is a County regulation under the County’s 1041 regulations.

Two class III cultural sites (prehistoric) were identified within the project boundary area. [lithic reduction locale, surface assemblage is fragmented- moderate potential for buried cultural materials] The State Historic Preservation Officer (SHPO) and Midway Solar have agreed to preserve the sites by avoidance; however the area is shown to have solar arrays.

The sites (5EP7625 and 5EP7632) identified in the September 2016 final environmental assessment are located at the northern portion of the property east of La Questa as depicted above. A letter from the SHPO has been provided. If avoidance cannot be adhered to further excavation would be necessary, please provide further documentation. Please revise response accordingly. (Provide answer do not refer to old

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application ... ) comment will apply throughout I04I. This shall application stand on its own.”

**Response:** *The Application has been updated accordingly and includes information on the cultural resources that will be avoided.*

13) “Nuisance

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout I04I. This shall application stand on its own. The glare study identifies no significant glare.”

**Response:** *The Application has been updated accordingly and includes information on glare.*

14) “Air Quality

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout I04I. This shall application stand on its own.”

**Response:** *The Application has been updated accordingly.*

15) “Visual Quality

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout I04I. This shall application stand on its own. The visual impacts to adjacent properties are anticipated to be minimal based on the photo simulations provided except on the northwest and northern portions of the property. The lots on Moab and Van Whey Court are sandwiched by panels. No buffer or opaque screening is proposed to reduce the impacts to the residents. Please address.”

**Response:** *The Application has been updated accordingly and includes information on the visual impacts.*

16) “Surface Water Quality

Update needed. Please note that the detailed technical review of the drainage report by PCD staff will be conducted at the Site Development Plan stage of the permitting process.

A defined drainage channel runs through the site. Identify that the channel is not be impacted or if it, provide a reference to the drainage report. Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout I04I. This shall application stand on its own.”

**Response:** *The Application has been updated accordingly and includes information on the drainages to be avoided.*

17) “Groundwater Quality

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout I04I. This shall application stand on its own.”

**Response:** *The Application has been updated accordingly.*

18) “Water Quantity

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout I04I. This shall application stand on its own. 22,000 gallons of water is proposed to be utilized. Wigwam Water District obtains its water from wells. Which basin are the well(s) in? Do you have a commitment letter from the District and do they have water to provide for this use?”

**Response:** *The Application has been updated accordingly and address the water needed and the source supply. The commitment letter from the District is attached to the application.*

19) “Floodplains, Wetlands and Riparian Areas: Terrestrial and Aquatic Animals, Plant Life and Habitat

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout I04I. This shall application stand on its own.”

**Response:** *The Application has been updated accordingly.*

20) “Soils, Geologic Conditions and Natural Hazards

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout I04I. This shall application stand on its own.”

**Response:** *The Application has been updated accordingly.*

21) “Hazardous Materials

Not Addressed (Provide answer do not refer to old application ... ) comment will apply throughout I04I. This shall application stand on its own. You added battery storage also.”

**Response:** *The Application has been updated accordingly*

22) “Monitoring and Mitigation Plan

- a) See comments above to item I5 regarding the potential for burying or partially burying the tanks.
- b) What is the methodology used to address impacts? What are the mitigation measures to address visual (and odor) impacts? Color, height, landscape?
- c) Provided.”

**Response:** *a) The Application has been updated accordingly with information on proposed mitigation. There are no permanent tanks associated with project facilities for fuel. Temporary fuel storage during construction will be monitored and inspected by following the SPCC Plan. Tanks that may be associated with the O&M building are for water and septic and will be incorporated into the design for the Site Development Plan. b) The Application has been updated accordingly to include the methodology for construction impacts. There are no long-term odor impacts due to operation of the Project, only the smell of fuel from equipment during construction which is temporary. There is no visual screening proposed at this time for visual impacts.*

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### **Review of Section 3.201 Requirements**

“I-3) Not Provided”

**Response:** *Section 3.201 says: “In addition to the materials listed at Section 2.303, application for a permit to conduct a new municipal or industrial water project shall be accompanied by the following information in the number required by the Director... “ The FRMW Project is not a municipal or industrial water project and therefore Section 3.201 requirements do not apply.*

### **Review of Section 5.201 Requirements**

“Please correct application to provide answers specific to this 1041. Describe your answer, summarize the answer if referring to a appendix.. Do not refer to old application.”

**Response:** *The Application has been updated accordingly.*

We appreciate your review and comments of the FRMW Project application.

Sincerely,

DocuSigned by:



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Scott Zeimetz

Front Range-Midway Solar Project, LLC, authorized person