

COLORADO'S POWER PATHWAY

**U.S. FISH AND WILDLIFE SERVICE AND COLORADO PARKS AND
WILDLIFE CONSULTATION LETTERS**

From: [Michel, Taylor](#)
To: [McCall, Sarah](#)
Subject: Fw: [EXTERNAL] USFWS Development Review for Colorado's Power Pathway – El Paso County
Date: Tuesday, June 4, 2024 10:14:15 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image007.png](#)
[Outlook-azubycy5.png](#)

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From: Reeves, Julie <Julie_Reeves@fws.gov>
Sent: Monday, June 3, 2024 1:49 PM
To: Phippen, Stephanie <Stephanie.Phippen@tetrattech.com>
Cc: Hennig, Tiffany A <Tiffany.A.Hennig@xcelenergy.com>; ColoradoES, FW6 <ColoradoES@fws.gov>; Chester, Jennifer L <Jennifer.L.Chester@xcelenergy.com>; Michel, Taylor <Taylor.Michel@tetrattech.com>
Subject: Re: [EXTERNAL] USFWS Development Review for Colorado's Power Pathway – El Paso County

You don't often get email from julie_reeves@fws.gov. [Learn why this is important](#)

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Dear Tetra Tech and Xcel Energy,

Thank you for reaching out to the U.S. Fish and Wildlife Service (Service) regarding the proposed Xcel Energy Colorado Power Pathway project (Project), and the section that is planned to occur within El Paso County, Colorado. We understand that the El Paso County portion is only a part of Segment 5: Sandston-Harvest Mile of the Project, and so we will provide our guidance and recommendations focused only within that portion here. Other segments of the Project occur within the range of other species within our purview, and those are not discussed here. These comments have been prepared under the authority of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et. seq.), the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703, and the Bald and Golden Eagle Protection Act (Eagle Act), 16 U.S.C. 668.

Segment 5 of the Project has the potential to affect the proposed endangered tricolored bat,

and any impacts to trees resulting from this Project should consider avoiding any tree-trimming or clearing work during the sensitive pup season (i.e., the timeframe during late pregnancy and when most young are born until they can fly and forage independently for this species: May 15 - July 31). Please refer to our voluntary development project environmental review process for additional conservation measures:

https://www.fws.gov/sites/default/files/documents/2024-04/draft-consultation-guidance-for-nleb-and-tcb-4_3.pdf.

The federally threatened eastern black rail is known to occur at a few wetland areas in El Paso County, namely Chico Basin Ranch, as well as other non-private locations. To avoid impacts to this species, we recommend that you avoid impacts to marsh and wetland habitats when determining the location of structure foundations and access routes, and instead spanning or avoiding those areas with this Project.

Similarly, while no known populations of federally threatened Ute ladies'-tresses orchid occur within the Project area, avoiding structure foundations and access routes in wetlands would make the likelihood of impacts to this species very small.

The monarch is currently a candidate species under the ESA. To avoid and minimize effects of the Project on monarch butterfly, we appreciate that much of the southeastern portion of the Project area along Pierce Lateral Ditch where milkweed plants were identified during surveys is set aside as a reserved panel area. Additionally, we recommend incorporating [wildlife-friendly mowing practices](#) to benefit pollinators. If portions of the Project area are revegetated after construction, we recommend using seed sourced in the local area. Using local ecotype will ensure the greatest success in planting because species have become genetically adapted to the local conditions and will have the correct form, size, growth rate, flowering time, and pest resistance for monarchs and other pollinators visiting the Project area. We recommend planting early, mid, and late blooming native flowers because adult monarchs feed on nectar plants during spring and summer breeding, fall migrations, and while overwintering. If monarchs or milkweed are observed, please report the observations to a monarch citizen science project, such as the Integrated Monarch Monitoring Program through the [Monarch Joint Venture](#); this information will assist in understanding where monarchs go when they depart their overwintering grounds. We have a [Nationwide Candidate Conservation Agreement](#) for monarch butterfly on energy and transportation lands that we encourage you to consider for all portions of the Project.

The federally listed Platte River species (piping plover, pallid sturgeon, western prairie fringed orchid, and whooping crane and its designated critical habitat) do not occur within the planning area but have potential to be affected by water depletions associated with the Project (i.e., water used for dust suppression or concrete foundations). These listed species inhabit aquatic, near-shore, and wetland communities within or along the Platte River in

Nebraska and depend on the existing flows and hydrologic regime.

To protect avian species under the MBTA, namely raptors, we recommend that you follow the Colorado Parks and Wildlife Raptor Guidelines for seasonal and spatial buffers during construction of the Project:

<https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>. To protect migratory birds at the transmission line, we recommend that you implement all applicable measures from the [2006 Avian Power Line Interaction Committee's \(APLIC's\) standards, Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006](#), as well as the [2012 APLIC standards, Reducing Avian Collisions with Power Lines: The State of the Art in 2012](#).

Regarding eagles, the Service recently published a 2024 eagle rule that outlines options for general and specific power line permits to authorize incidental take of eagles by the Project. We recommend that you review the information contained here:

<https://www.fws.gov/program/eagle-management/power-line-permits> to determine whether you would anticipate applying for a general or specific permit under the Eagle Act for your Project.

Due to the presence of black-tailed prairie dogs within the Action Area, we recommend that you coordinate with Colorado Parks and Wildlife and [review their information on prairie dogs](#) to ensure the Project avoids and minimizes impacts to that species and those that depend on their burrows (such as the burrowing owl), both during Project construction and operations.

We also recommend use of wildlife-safe materials for erosion control and site restoration throughout the Project area. We do not recommend the use of erosion control products containing plastic mesh netting or other similar material that could entangle wildlife, even if the plastic netting is described as degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable (including polypropylene, nylon, polyethylene, and polyester). Wildlife safe materials are those that are 100 percent biodegradable (e.g., jute, sisal, or coir fiber), use a loose weave (often called leno weave), and that are designed with movable, non-welded joints between the horizontal and vertical twines, thus allowing the twines to move independently; this design reduces the potential for wildlife entanglement. When no longer required, we recommend prompt removal of temporary erosion and sediment control products.

To minimize the potential of spreading existing noxious weeds during construction (if there are any present at the Project site), and to prevent the establishment of new weed species in the Project area, we recommend implementing the following measures:

1. Inspect and clean equipment prior to on-site arrival, and before leaving the site,

2. Implement pre- and post-emergent herbicide application where needed,
3. Limit herbicide use to those with low toxicity to wildlife and non-target plant species,
4. Inspect results of weed treatment, and
5. Use only foot traffic within any stream/wetland areas.

Finally, we request that technicians and staff that visit the area and conduct pre- and post-construction monitoring [report wildlife mortalities or injuries, specifically birds and bats](#).

We appreciate your efforts to ensure the conservation of threatened and endangered species as well as migratory birds and eagles. Thank you for contacting us and please let me know if you have any further questions. In the future, the Service would appreciate receiving information regarding potential impacts to listed species as well as a request for consultation under section 7 of the ESA by the lead federal agency for any species that may be affected by the Project.

ECOSphere Project Number: 2022-0030066

Thank you,

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Julie Proell Reeves (she/her)  
Grasslands Biologist, Eastern Team  
U.S. Fish and Wildlife Service, Colorado Ecological Services Office  
[Julie\\_Reeves@fws.gov](mailto:Julie_Reeves@fws.gov)

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A thing is right when it tends toward the integrity, stability, and beauty of the biotic community; it is wrong when it tends otherwise. ~Aldo Leopold

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**From:** Phippen, Stephanie <Stephanie.Phippen@tetrattech.com>  
**Sent:** Thursday, May 23, 2024 6:27 PM  
**To:** Reeves, Julie <Julie\_Reeves@fws.gov>  
**Cc:** Hennig, Tiffany A <Tiffany.A.Hennig@xcelenergy.com>; Chester, Jennifer L <Jennifer.L.Chester@xcelenergy.com>; Michel, Taylor <Taylor.Michel@tetrattech.com>  
**Subject:** [EXTERNAL] USFWS Development Review for Colorado’s Power Pathway – El Paso County

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Good afternoon Julie,

Xcel Energy is seeking approval of an Areas and Activities of State Interest (1041) Permit from El Paso County to construct and operate a portion of Colorado's Power Pathway (Pathway) located in unincorporated El Paso County. As part of the 1041 Permit application process, Xcel Energy would like a letter from the U.S. Fish and Wildlife Service (USFWS) that outlines findings from a development review.

To help facilitate a USFWS review, please find information and exhibits for Pathway included in the attached letter. We are requesting that USFWS provide recommendations pertaining to the following wildlife considerations:

- Migratory birds considered under the US Migratory Bird Treaty Act (MBTA)
- Migratory birds and eagles considered under the Bald and Golden Eagle Protection Act (BGEPA)
- State of Colorado Sensitive Species
- Preference, expectations, and requirements for future USFWS involvement in project-related activities

We appreciate your time and attention for this review. Please let us know if you need any additional information.

Thank you!

**Stephanie Phippen, PG** | Vice President, Operations Manager

Pronouns: she, her, hers\*

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May 23, 2024

Julie Reeves, U.S. Fish and Wildlife Service, Region 6, Mountain Prairie Ecological Services  
134 Union Boulevard, Suite 650  
Lakewood, CO 80228  
Submitted via email: [Julie\\_Reeves@fws.gov](mailto:Julie_Reeves@fws.gov)

RE: Development Review for Colorado's Power Pathway – El Paso County

Dear Julie Reeves,

Public Service Company of Colorado, a Colorado corporation conducting business as Xcel Energy (Xcel Energy), is seeking approval of an Areas and Activities of State Interest (1041) Permit from El Paso County to construct and operate a portion of Colorado's Power Pathway (Pathway) located in unincorporated El Paso County. As part of the 1041 Permit application process, Xcel Energy would like to include a letter from the U.S. Fish and Wildlife Service (USFWS) that outlines findings from a development review. To help facilitate a USFWS review, please find information and exhibits for Pathway included with this letter. We are requesting that USFWS provide recommendations pertaining to the following wildlife considerations:

- Migratory birds considered under the US Migratory Bird Treaty Act (MBTA)
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- Preference, expectations, and requirements for future USFWS involvement in project-related activities

## INTRODUCTION

Pathway is a \$1.7 billion investment to improve the state's electric grid and enable future renewable energy development around the state. Pathway will increase electric reliability, boost the regional economy, and create jobs during construction. Pathway includes the installation of approximately 550 miles of new 345-kilovolt double-circuit transmission line; four new electric substations; and expansion, equipment additions or equipment upgrades at four existing electric substations.

Pathway will be constructed in five segments with each new or expanded electric substation serving as an endpoint for the transmission line segments (Figure 1):

- Fort St. Vrain – Canal Crossing (Segment 1)
- Canal Crossing – Goose Creek (Segment 2)
- Goose Creek – May Valley (Segment 3)
- May Valley – Sandstone – Tundra (Segment 4)
- Sandstone – Harvest Mile (Segment 5)

In March 2021, Xcel Energy filed a Certificate of Public Convenience and Necessity (CPCN) Application with the Colorado Public Utilities Commission (CPUC) describing the purpose, need, and public benefits of constructing Pathway. In February 2022, the CPUC provided verbal approval, and in June 2022, it provided written approval of the CPCN for Segments 1–5, based on a determination that Pathway is in the public interest. The CPUC did not approve construction of the May Valley – Longhorn Extension (Extension) in the January 2024 Phase II Decision regarding Xcel Energy's Electric Resource Plan and

Clean Energy Plan. Xcel Energy may bring a proposal to construct the Extension and Longhorn Substation forward again in the future but has paused its further development as part of Pathway. While the CPUC determines the need for Pathway, it does not determine the location of the components; the location and land use permissions will be granted through easement negotiations with landowners and land use permits in the applicable jurisdictions where Pathway components will be located. Preferred transmission line routes and substation sites for Pathway have been selected after completion of routing and siting studies, coordination with permitting entities, and conducting public outreach.

Pathway land use permitting is occurring concurrently with El Paso, Arapahoe, Elbert, Lincoln and Pueblo counties and the City of Aurora for the portions of Segment 5 that occur in those jurisdictions. Coordination is ongoing with additional jurisdictions for other segments.

For each Pathway segment, a detailed siting and routing analysis was completed to examine resources, constraints, opportunities, and additional routing considerations at a local level. Routing a new transmission line and siting a substation require a comprehensive review and analysis of factors and criteria including, but not limited to, electric system planning, engineering, environmental and cultural resources, land use, regulatory requirements, land rights, stakeholder input, and public and worker safety.

Public outreach efforts were conducted to receive public and stakeholder feedback and input on route selection. Agency coordination with the U.S. Fish and Wildlife Service was initiated early in the Pathway development timeline. Details about agency coordination are shown in Table 1. Coordination between Xcel Energy and USFWS regarding the lesser prairie chicken is ongoing.

**Table 1: Summary of Coordination Meetings with U.S. Fish and Wildlife Service**

| Type Coordination       | Agency | Attendees                                                                                           | Date       | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------|--------|-----------------------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Microsoft Teams Meeting | USFWS  | USFWS; Xcel Energy; Tetra Tech; Burns and McDonnell; and Western EcoSystems Technology, Inc. (WEST) | 05/09/2022 | Purpose of the meeting was to provide information regarding the Project to USFWS, and to receive feedback from USFWS. Project overview and status were presented by the Pathway Team. Focus of the meeting was largely focused on the lesser prairie-chicken in relation to routing options and area of potential effects. USFWS provided feedback about specific species and initial thoughts about which species might be a concern. USFWS requested further information about Project routing. Action items for the Pathway team were to provide GIS shape files to USFWS on May 9, 2022 and to coordinate a follow-up meeting with USFWS.                 |
| Microsoft Teams Meeting | USFWS  | USFWS; Xcel Energy; Tetra Tech; Burns and McDonnell; and WEST                                       | 06/06/2022 | Purpose of the meeting was to provide information about the Project and receive feedback from USFWS. The GIS shape files were provided to USFWS prior to the meeting so that they could comment on routing for the Project, and any concerns about specific locations. The eastern black rail was discussed and possible sharing of data to understand where the species may be a concern for the Project. Possibility of timing/avoidance for eastern black rail was discussed as was a CPW survey protocol and habitat assessment. There were no specifics from USFWS in regard to Segment 5. USFWS wanted to review the GIS shape files before commenting. |

Pathway facilities proposed in El Paso County include 45 miles of 345-kV double-circuit transmission line within Segment 5 (Figure 2). The proposed route in El Paso County is generally located in the eastern portion of the County in a primarily north-south direction as shown on Figure 2.



## SPECIES-STATUS WILDLIFE AND OTHER SPECIES OF CONCERN

Biological resources were evaluated within a 250-foot buffer (125 feet on either side of centerline) around the proposed transmission line route (the preferred alternative), referred to as the Assessment Area. The USFWS IPaC online tool and CPW online databases were used to identify federally and state-listed species, as well as eagles (protected under the BGEPA) that may occur within or near the El Paso Assessment Area (Table 2; CPW 2022a, CPW 2022b, USFWS 2022c). A total of 17 species were identified as potentially occurring in or near the El Paso Assessment Area and are discussed in Table 2.

In addition to the federally and state-listed species that receive regulatory protection, Species of Concern (SC) were also evaluated. Although SC species do not receive any regulatory protection, they have been identified by the state as having management interest either due to declining populations or habitat loss. A full list of SC species identified as potentially occurring in the El Paso Assessment Area are listed in Table 2.

**Table 2: Special-Status Species Potentially Occurring within the El Paso Assessment Area**

| Common Name              | Scientific Name                                       | Federal/ State Status <sup>1</sup> | Habitat Associations                                                                                                                                                                                                                                                                                  | Likelihood of Occurrence within the El Paso Assessment Area <sup>2</sup> |
|--------------------------|-------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>Mammals</b>           |                                                       |                                    |                                                                                                                                                                                                                                                                                                       |                                                                          |
| Black-tailed prairie dog | <i>Cynomys ludovicianus</i>                           | - / SC                             | Occurs in the eastern third of Colorado, in shortgrass prairie habitat below 6,000 feet elevation. The species lives in colonies, constructing burrows to live in and raise the young.                                                                                                                | Present                                                                  |
| Swift fox                | <i>Vulpes velox</i>                                   | - / SC                             | Occurs in shortgrass prairie habitat with flat or rolling terrain and high visibility over long distances and up to 7,000 feet elevation.                                                                                                                                                             | Moderate                                                                 |
| Tricolored Bat           | <i>Perimyotis subflavus</i>                           | PE                                 | Found in open woodlands near water sources. Roost in trees, rock crevices, caves, and occasionally in buildings. The Project occurs on the very southern edge of the species range (CPW 2022a). The majority of land cover within the Project includes open habitats with only sparsely wooded areas. | Low                                                                      |
| <b>Birds</b>             |                                                       |                                    |                                                                                                                                                                                                                                                                                                       |                                                                          |
| Bald eagle               | <i>Haliaeetus leucocephalus</i>                       | BGEPA / SC                         | Large rivers, lakes, and reservoirs with an abundance of fish. Nesting is typically in large trees close to water.                                                                                                                                                                                    | Moderate                                                                 |
| Eastern black rail       | <i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i> | FT / -                             | Eastern black rails occur in salt, brackish, and freshwater marshes, pond borders, wet meadows, and grassy swamps.                                                                                                                                                                                    | Low                                                                      |
| Ferruginous hawk         | <i>Buteo regalis</i>                                  | - / SC                             | Occurs in arid and open habitats including grasslands, sagebrush or saltbush plains, and deserts. Nests in lone trees, cliffs, rock outcrops, or on the ground in a high area like a knoll.                                                                                                           | Moderate                                                                 |
| Golden eagle             | <i>Aquila chrysaetos</i>                              | BGEPA / -                          | Open native habitats with an abundance of prey. Nesting occurs on cliffs, knolls, and raised areas.                                                                                                                                                                                                   | Moderate                                                                 |

| Common Name                  | Scientific Name                     | Federal/ State Status <sup>1</sup> | Habitat Associations                                                                                                                                                                          | Likelihood of Occurrence within the El Paso Assessment Area <sup>2</sup> |
|------------------------------|-------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Mountain plover              | <i>Charadrius montanus</i>          | - / SC                             | Occurs in shortgrass prairie habitat, nesting in sparsely vegetated areas or areas with barren open ground, and often found near prairie dog colonies.                                        | Moderate                                                                 |
| Lesser Prairie Chicken       | <i>Tympanuchus pallidicinctus</i>   | FT/ST                              | Prefers sandy grassland areas with an abundance of mid-grasses, sandsage, and yucca.                                                                                                          | Unlikely                                                                 |
| Piping plover <sup>3</sup>   | <i>Charadrius melodus</i>           | FT / ST                            | Reservoirs, lakes, and rivers with sand and gravel areas and sparse vegetation.                                                                                                               | Unlikely                                                                 |
| Western burrowing owl        | <i>Athene cunicularia hypugaea</i>  | - / ST                             | Open habitats with low or sparse vegetation on gently sloping terrain. Nesting typically occurs in small mammal burrows. Often found nesting in the perimeters of prairie dog colonies.       | Present                                                                  |
| Whooping Crane               | <i>Grus american</i>                | FE / SE                            | Freshwater marshes, wet prairies, shallow lakes, and lagoons.                                                                                                                                 | Unlikely                                                                 |
| <b>Reptiles</b>              |                                     |                                    |                                                                                                                                                                                               |                                                                          |
| Massasauga                   | <i>Sistrurus Catenatus</i>          | - / SC                             | Sandy areas in sagebrush and grassland habitats.                                                                                                                                              | Moderate                                                                 |
| <b>Fish</b>                  |                                     |                                    |                                                                                                                                                                                               |                                                                          |
| Greenback cutthroat trout    | <i>Oncorhynchus clarkia stomias</i> | FT, ST                             | Prefers cold, clear, gravely headwater streams and mountain lakes that provide an abundant food supply of insects.                                                                            | Low                                                                      |
| Pallid sturgeon <sup>3</sup> | <i>Scaphirhynchus albus</i>         | FE / -                             | Large river systems with firm sandy bottoms (e.g., Missouri River).                                                                                                                           | Unlikely                                                                 |
| <b>Insects</b>               |                                     |                                    |                                                                                                                                                                                               |                                                                          |
| Monarch butterfly            | <i>Danaus plexippus</i>             | FC / -                             | Found in a wide variety of habitats and is known to occur in grasslands and prairie habitats in Colorado. The species requires milkweed ( <i>Asclepias</i> spp.) host plants to lay its eggs. | Moderate                                                                 |
| <b>Plants</b>                |                                     |                                    |                                                                                                                                                                                               |                                                                          |
| Ute ladies'-tresses orchid   | <i>Spiranthes diluvialis</i>        | FT / -                             | Moist meadows associated with perennial stream terraces, floodplains, and oxbows at elevations below 7,000 feet.                                                                              | Low                                                                      |

1 FC = Federal Candidate, FE = Federally Endangered, FT = Federally Threatened, ST = State Threatened, SE = State Endangered, SC = Species of Concern, BGEPA = Bald and Golden Eagle Protection Act

2 Likelihood of Occurrence: Unlikely—unsuitable habitat in Project and vicinity; Low—marginally suitable habitat in Project and vicinity; Moderate—suitable habitat present in Project, or species known to occur in habitat similar to Project; High—highly suitable habitat present in Project, or known populations exist in Project vicinity; Present—known populations exist within the Project.

3 Platte River Species = Water-related activities or uses in the Platte River Basins may affect these species in downstream reaches.

A total of 17 species have a potential to occur within the El Paso Assessment Area (Table 2). Of these 17 species, four species have a low potential to occur, seven species have a moderate potential to occur, and two species are present within the El Paso Assessment Area. All other listed species are unlikely to occur in the El Paso Assessment Area because their ranges lie outside the El Paso Assessment Area or potentially suitable habitat is lacking; therefore, these species are not discussed further in this section. A discussion of the species with identified likelihood of occurrence in Table 2 as Present, High, or Moderate is provided.

### ***Black-Tailed Prairie Dog***

Black-tailed prairie dogs (*Cynomys ludovicianus*) are Colorado SC and occur in the eastern third of Colorado, in shortgrass prairie habitat below 6,000 feet above sea level (CPW 2022c). The species lives in colonies, constructing burrows to live in and raise the young. Potentially suitable habitat occurs throughout the grassland/herbaceous habitat within the Assessment Area. Additionally, one-third of the El Paso Assessment Area is mapped as having a medium or high potential colony occurrence (CPW 2021a). In Colorado, it is unlawful to capture, transport, and relocate black-tailed prairie dogs from one site to another suitable site without a permit from CPW (CPW 2022c).

### ***Swift Fox***

Swift fox (*Vulpes velox*) is a Colorado SC species that has been proposed in the past for federal listing. The swift fox overall range occurs throughout the eastern half of the State. Habitat for swift fox is primarily shortgrass prairie and desert communities with few shrubs or trees. The species digs its dens in sandy soils on open prairies, along fences, or in plowed fields. The El Paso Assessment Area occurs in the overall range for the species, and grassland/herbaceous habitat within the Assessment Area could provide potentially suitable habitat for the species.

### ***Bald Eagle***

Bald eagle (*Haliaeetus leucocephalus*) is a Colorado SC species and is also protected by BGEPA and MBTA. Bald eagles typically nest near large bodies of open water with adequate prey and tall trees for nesting and roosting, such as lakes, marshes, seacoasts, and rivers (Buehler 2022). Bald eagles are opportunistic foragers that prey primarily on fish but also feed on other aquatic and terrestrial vertebrates and carrion (Buehler 2022). Wintering locations are also typically associated with aquatic areas that contain open water for foraging on fish. Wintering bald eagles roosting up to 20 miles from foraging sites depending on the abundance of prey.

A bald eagle (*Haliaeetus leucocephalus*) nest is located approximately eight miles west of the El Paso Assessment Area. The El Paso Assessment Area is primarily composed of grassland/herbaceous land cover. Aquatic habitat is limited in the El Paso Assessment Area, therefore Bald Eagles are not likely to nest within the El Paso Assessment Area.

### ***Ferruginous Hawk***

Ferruginous hawks (*Buteo regalis*) are a Colorado SC and are protected under the MBTA. Ferruginous hawks are distributed throughout western North America, from southern Canada to northern Mexico, with seasonal, latitudinal migrations in grassland and shrubland habitats (eBird 2021). As the largest hawk in North America, it preys on a variety of mammals, including rabbits, hares, ground squirrels, and prairie dogs (CPW 2022c). Waterfowl and shorebirds constitute a portion of the diet of ferruginous hawks near waterbodies and wetlands (CPW 2022c). Ferruginous hawks are most numerous on the Colorado prairies from October to March, but they are present throughout the year.

The El Paso Assessment Area occurs in the overall range for ferruginous hawk (CPW 2022a), and potentially suitable foraging habitat occurs in grassland/herbaceous habitat within the El Paso Assessment Area. One record of the species was documented at approximately 9 miles east of the El Paso Assessment Area across the county line, in Lincoln County (eBird 2022).

### **Golden Eagle**

Golden eagles (*Aquila chrysaetos*) are protected by BGEPA and MBTA. Golden eagles are common in western North America, and small populations also present in the eastern portions of Canada and the United States (Katzner et al. 2022). Western golden eagle populations may be migratory or resident year-round (Katzner et al. 2022). Golden eagles are year-round residents in eastern Colorado (Sibley 2014). Golden eagles in the western United States are commonly associated with open and semi-open habitats such as shrublands, grasslands, woodland-brushlands, and coniferous forests as well as in farmland and riparian habitats (Katzner et al. 2022). Golden eagles nest on cliff faces or in large trees, and their breeding areas vary by region, but they are generally associated with mountainous canyon land, rimrock terrain of open desert, grassland areas, riparian habitats, and occasionally in forested areas (Katzner et al. 2022). Wintering habitat includes open areas with native vegetation such as sagebrush communities, riparian areas, grasslands, and rolling oak savanna (Katzner et al. 2022). The approximate wintering or non-nesting period is from October to March (Katzner et al. 2022). The species feeds upon a wide variety of prey species but tends to hunt small- to medium-sized mammals such as hares, rabbits, ground squirrels, and prairie dogs depending upon local availability (Katzner et al. 2022). Golden eagles are also known to opportunistically forage on carrion (Katzner et al. 2022).

The El Paso Assessment Area occurs in the breeding range for golden eagle (CPW 2022a), and a CPW-mapped golden eagle nest is located approximately 2 miles east of the El Paso Assessment Area across the county line in Lincoln County (CPW 2022b). Potentially suitable foraging habitat occurs in grassland/herbaceous habitat throughout the El Paso Assessment Area.

### **Mountain Plover**

Mountain plover (*Charadrius montanus*) is a Colorado SC species and is also protected under the MBTA. Mountain plover breeding habitat occurs throughout Montana, Wyoming, Colorado, New Mexico, the Texas panhandle, and Nebraska, and the species winters in California and southern Arizona (CPW 2022c). The mountain plover occurs in prairie grasslands, arid plains, and fallow fields. Nesting occurs in short-grass prairies that are often grazed by prairie dogs (*Cynomys* spp.) or bison (*Bison bison*) and cattle (*Bos taurus*). Mountain Plover breeding range occurs throughout the El Paso Assessment Area, and grassland/herbaceous habitat within the Assessment Area could provide potentially suitable habitat for the species. About one-third of the El Paso Assessment Area also occurs in a medium to high likelihood of occurrence area for black-tailed prairie dogs, which provide potentially suitable habitat for the species. One record of the species was documented approximately 9 miles east of the El Paso Assessment Area, across the county line in Lincoln County (eBird 2022).

### **Western Burrowing Owl**

Western burrowing owl (*Athene cunicularia*) is a state threatened species and is also protected by the MBTA. Western burrowing owls occur in open areas with low-growing and/or sparse vegetation, usually on gently sloping terrain. The species is found in well-drained grasslands, steppes, deserts, prairies, and agricultural lands, often associated with high densities of burrowing mammals (CPW 2021b) such as prairie dog (*Cynomys* spp.) colonies and ground squirrel (*Ictidomys* spp.) burrows. Burrowing owls arrive in Colorado in late March or early April to breed. The species nests in an abandoned burrow, and the breeding pair occupies the area until young have fledged. The El Paso Assessment Area is in the breeding range for western burrowing owl. Potentially suitable habitat occurs in grassland/herbaceous areas within the El Paso Assessment Area. One record of the species was documented approximately 9 miles east of the El Paso Assessment Area, across the county line in Lincoln County (eBird 2022).

## **Massasauga**

Massasauga rattlesnake (*Sistrurus catenatus*) is a Colorado SC species that is distributed across the southeastern portion of the state below 5,500 feet (CPW 2022c). Habitat for massasauga is composed of sagebrush or grasslands situated in dry plains and/or sandhills with sandy soils, that support an abundance of rodents and lizards (its primary prey). The El Paso Assessment Area occurs in the overall range for the species (CPW 2022a), and grassland/herbaceous habitat within the El Paso Assessment Area could provide potentially suitable habitat for the species.

## **Monarch Butterfly**

The monarch butterfly (*Danaus plexippus*) is a federal candidate species that was proposed for listing in 2020. The monarch butterfly depends on milkweed (*Asclepias*) species for a larvae food source (Monarch Joint Venture 2022). Flowering plants provide suitable nectar sources for adults. Candidate species are not statutorily protected under the ESA; therefore, Project effects to the monarch butterfly are not unlawful. However, effects to the monarch butterfly could become unlawful in the future should the USFWS decide to list it as endangered or threatened. The El Paso Assessment Area has several NHD and NWI mapped streams and could provide potentially suitable habitat for monarch butterfly and the milkweed plants that they rely upon.

## **ONGOING SURVEY EFFORTS**

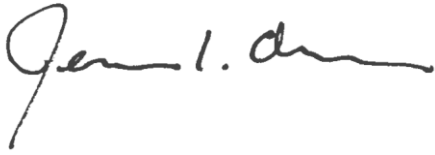
Xcel Energy's environmental consultant Tetra Tech, Inc. (Tetra Tech) conducted four windshield surveys in 2021, 2022, 2023, and 2024. The purpose of the windshield surveys was to evaluate the Assessment Area for the presence of biological resources including raptor nests, prairie dog colonies, wildlife burrows, wetlands and streams, and potential habitat for federally and state-listed T&E species, and SC species. The windshield surveys were conducted by qualified biologists by traversing public roads adjacent to the Assessment Area and scanning the landscape with binoculars to identify biological resources. These surveys were conducted on foot in areas where landowner permission had been granted and along public roads where habitat could be easily assessed.

Aerial raptor nest surveys were conducted in Spring 2022. The surveyors checked the status of known raptor nests (raptor nest locations provided by CPW and identified during the previous windshield surveys) and recorded new raptor nests within an additional 1-mile buffer surrounding the Assessment Area (Survey Area). Nests observed beyond the Survey Area were also documented. Locations of raptor nests recorded during the windshield surveys were updated during the aerial raptor nest surveys as needed. The surveyors also documented common raven (*Corvus corax*) nests and incidental observations of eagles identified during the survey. Although not raptors, common raven nests were recorded during the surveys because they could be used by nesting raptors during subsequent breeding seasons.

Tetra Tech is conducting ongoing windshield surveys and ground-based habitat and wetland evaluations for the Assessment Area in El Paso County as land access is granted. Additional surveys are planned during the Summer of 2024, and surveys will continue until construction commences. Biological monitoring within the Assessment Area will be ongoing during construction.

Please let me know if you have any questions regarding the information and exhibits presented in this letter or if you would like additional information to assist USFWS's review. Please contact me by telephone at (303) 285-6533 or email at [Jennifer.L.Chester@xcelenergy.com](mailto:Jennifer.L.Chester@xcelenergy.com) or contact our environmental consultant Stephanie Phippen with Tetra Tech Inc. at (303) 980-3515 or email at [Stephanie.Phippen@tetrattech.com](mailto:Stephanie.Phippen@tetrattech.com) if you need any additional information prior to this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer L. Chester". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer Chester  
Xcel Energy  
Siting & Land Rights Manager  
Telephone: (303) 285-6533  
[Jennifer.L.Chester@XcelEnergy.com](mailto:Jennifer.L.Chester@XcelEnergy.com)

Attachments:

Figure 1: Project Overview Map

Figure 2: El Paso County Overview Map

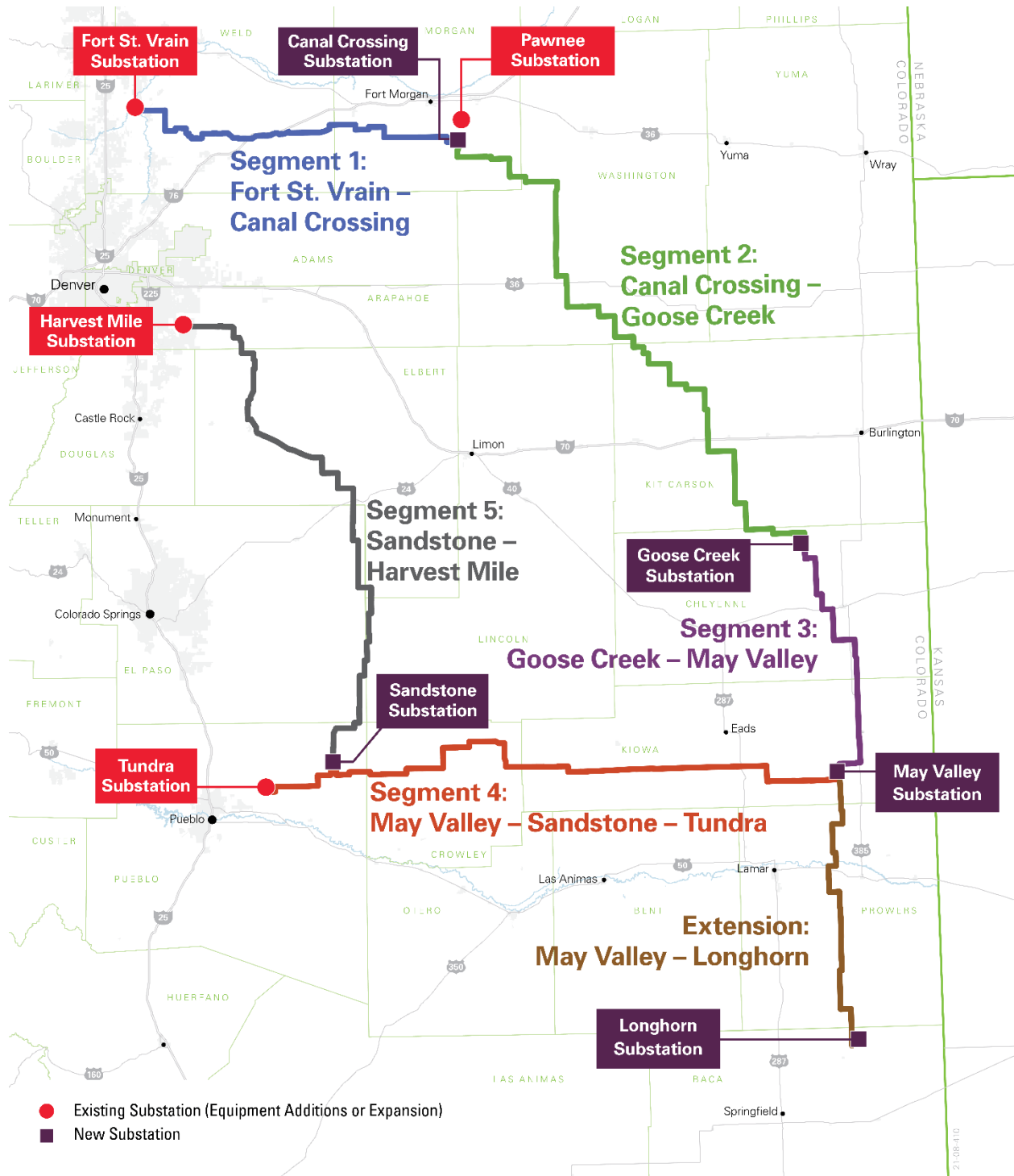
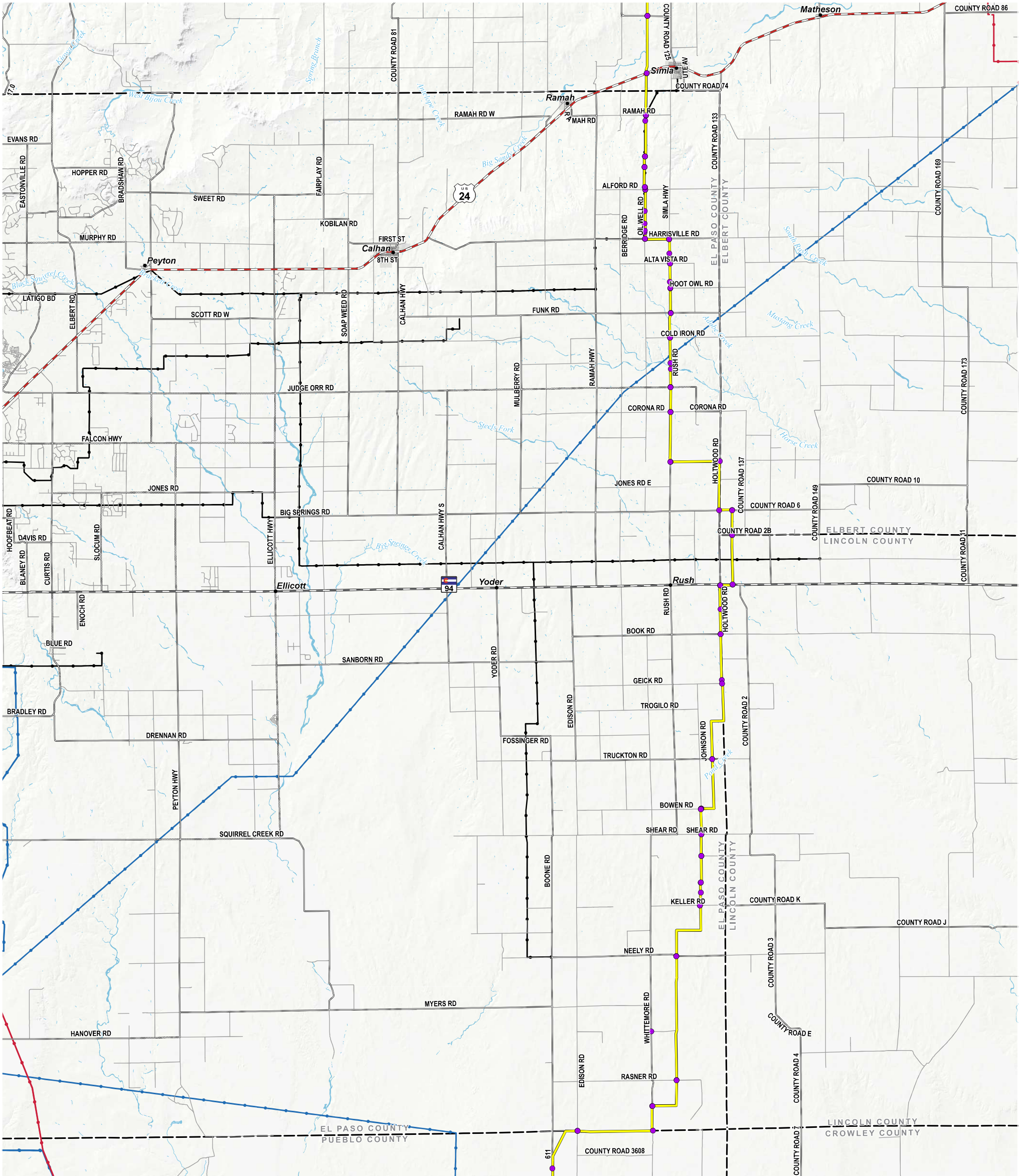
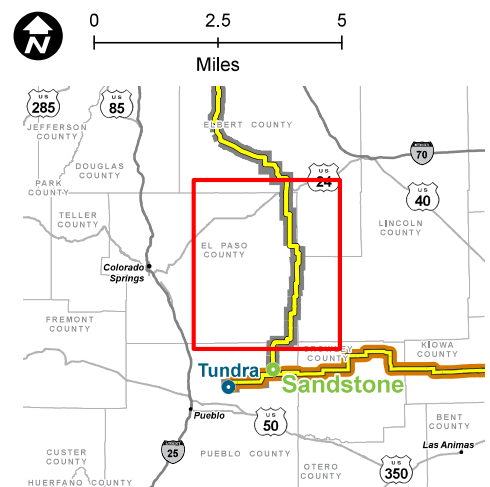


Figure 1: Project Overview Map

# COLORADO'S POWER PATHWAY



- Legend**
- Proposed Transmission Route
  - Access Point Location
  - Boundary**  
(CDOT 2021, DOLA 2021)
  - Municipal Boundary
  - County
  - Transportation**  
(CDOT 2021, BTS 2020)
  - U.S. Highway
  - State Highway
  - Local Road
- Existing Transmission Line (HIFLD 2023)**
- 115kV Transmission Line
  - 230kV Transmission Line
  - 345kV Transmission Line



**PRELIMINARY, SUBJECT TO CHANGE**  
 The information contained herein is believed to be accurate and suitable for limited internal use only. Xcel Energy/Public Service Company of Colorado makes no warranty as to the accuracy or suitability of any information contained herein for use by third parties. The accuracy of this map and the information depicted should be verified prior to use. The user shall assume all risk and responsibility for any and all damages, including consequential damages, which may arise from the user's reliance on this information.

Revised: 5/16/2024 | NOT FOR CONSTRUCTION

Path: Z:\Projects\IDEN\1163\_0039\_CO\_Pathway\_Permits\GIS\Layouts\Permitting\EL\_Paso\_Co\El\_Paso\_Co\_Permit.aprx

\*No staging areas or batch plants are planned in El Paso County

Figure 2: El Paso County Overview Map



May 23, 2024

Karen Voltura, Energy Liaison and Land Use Specialist, Southeast Region  
Colorado Parks and Wildlife  
4255 Sinton Rd.  
Colorado Springs, CO 80907  
Submitted via email: [Karen.voltura@state.co.us](mailto:Karen.voltura@state.co.us)

RE: Development Review for Colorado's Power Pathway – El Paso County

Dear Karen Voltura,

Public Service Company of Colorado, a Colorado corporation conducting business as Xcel Energy (Xcel Energy), is seeking approval of an Areas and Activities of State Interest (1041) Permit from El Paso County to construct and operate a portion of Colorado's Power Pathway (Pathway) located in unincorporated El Paso County. As part of the 1041 Permit application process, Xcel Energy would like to include a letter from Colorado Parks and Wildlife (CPW) that outlines findings from a development review. To help facilitate a CPW review, please find information and exhibits for Pathway included with this letter. We are requesting that CPW provide recommendations pertaining to the following wildlife considerations:

- Migratory birds considered under the US Migratory Bird Treaty Act (MBTA)
- Migratory birds and eagles considered under the Bald and Golden Eagle Protection Act (BGEPA)
- State of Colorado Sensitive Species
- Preference, expectations, and requirements for future CPW involvement in project-related activities.

## INTRODUCTION

Pathway is a \$1.7 billion investment to improve the state's electric grid and enable future renewable energy development around the state. Pathway will increase electric reliability, boost the regional economy, and create jobs during construction. Pathway includes the installation of approximately 550 miles of new 345-kilovolt double-circuit transmission line; four new electric substations; and expansion, equipment additions or equipment upgrades at four existing electric substations.

Pathway will be constructed in five segments with each new or expanded electric substation serving as an endpoint for the transmission line segments (Figure 1):

- Fort St. Vrain – Canal Crossing (Segment 1)
- Canal Crossing – Goose Creek (Segment 2)
- Goose Creek – May Valley (Segment 3)
- May Valley – Sandstone – Tundra (Segment 4)
- Sandstone – Harvest Mile (Segment 5)

In March 2021, Xcel Energy filed a Certificate of Public Convenience and Necessity (CPCN) Application with the Colorado Public Utilities Commission (CPUC) describing the purpose, need, and public benefits of constructing Pathway. In February 2022, the CPUC provided verbal approval, and in June 2022, it provided written approval of the CPCN for Segments 1–5, based on a determination that Pathway is in the public interest. The CPUC did not approve construction of the May Valley – Longhorn Extension (Extension) in the January 2024 Phase II Decision regarding Xcel Energy's Electric Resource Plan and

Clean Energy Plan. Xcel Energy may bring a proposal to construct the Extension and Longhorn Substation forward again in the future but has paused its further development as part of Pathway. While the CPUC determines the need for Pathway, it does not determine the location of the components; the location and land use permissions will be granted through easement negotiations with landowners and land use permits in the applicable jurisdictions where Pathway components will be located. Preferred transmission line routes and substation sites for Pathway have been selected after completion of routing and siting studies, coordination with permitting entities, and conducting public outreach.

Pathway land use permitting is occurring concurrently with El Paso, Arapahoe, Elbert, Lincoln and Pueblo counties and the City of Aurora for the portions of Segment 5 that occur in those jurisdictions. Coordination is ongoing with additional jurisdictions for other segments.

For each Pathway segment, a detailed siting and routing analysis was completed to examine resources, constraints, opportunities, and additional routing considerations at a local level. Routing a new transmission line and siting a substation require a comprehensive review and analysis of factors and criteria including, but not limited to, electric system planning, engineering, environmental and cultural resources, land use, regulatory requirements, land rights, stakeholder input, and public and worker safety.

Public outreach efforts were conducted to receive public and stakeholder feedback and input on route selection. Agency coordination with Colorado Parks and Wildlife was initiated early in the Pathway development timeline. Details about agency coordination are shown in Table 1.

**Table 1: Summary of Coordination Meetings with Colorado Parks and Wildlife**

| Type Coordination       | Agency | Attendees                                       | Date       | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------|--------|-------------------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Microsoft Teams Meeting | CPW    | CPW; Xcel Energy; Tetra Tech, Inc. (Tetra Tech) | 12/10/2021 | Purpose: to provide information about the Project and receive feedback from CPW on routing/siting considerations. Project overview and status were presented. Comments/questions from CPW were addressed. Initial comments were received about the Project from CPW, and another meeting was scheduled to discuss specific routes once links were narrowed down. A Pathway Team action item was to share GIS shapefiles for the links and narrower substation areas to CPW and to schedule a workshop with CPW to discuss specific links. |
| Microsoft Teams Meeting | CPW    | CPW; Xcel Energy; Tetra Tech                    | 01/21/2022 | Workshop to discuss specific routes/links. Project overview and discussion of route options for Segment 5 were presented by the Pathway team. CPW commented on specific portions of the route it had concerns about in regard to wildlife resources. A preferred route had not been determined at that point; therefore, discussion was based on each of the focus areas: southern (Pueblo County), central (El Paso and Elbert counties), and northern (Arapahoe and Lincoln counties).                                                  |

Pathway facilities proposed in El Paso County include 45 miles of 345-kV double-circuit transmission line within Segment 5 (Figure 2). The proposed route in El Paso County is generally located in the eastern portion of the County in a primarily north-south direction as shown on Figure 2.

## SPECIES-STATUS WILDLIFE AND OTHER SPECIES OF CONCERN

Biological resources were evaluated within a 250-foot buffer (125 feet on either side of centerline) around the proposed transmission line route (the preferred alternative), referred to as the Assessment Area. The USFWS IPaC online tool and CPW online databases were used to identify federally and state-listed species, as well as eagles (protected under the BGEPA) that may occur within or near the El Paso Assessment Area (Table 2; CPW 2022a, CPW 2022b, USFWS 2022c). A total of 17 species were identified as potentially occurring in or near the El Paso Assessment Area and are discussed in Table 2.

In addition to the federally and state-listed species that receive regulatory protection, Species of Concern (SC) were also evaluated. Although SC species do not receive any regulatory protection, they have been identified by the state as having management interest either due to declining populations or habitat loss. A full list of SC species identified as potentially occurring in the El Paso Assessment Area are listed in Table 2.

**Table 2: Special-Status Species Potentially Occurring within the El Paso Assessment Area**

| Common Name              | Scientific Name                                       | Federal/ State Status <sup>1</sup> | Habitat Associations                                                                                                                                                                                                                                                                                  | Likelihood of Occurrence within the El Paso Assessment Area <sup>2</sup> |
|--------------------------|-------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>Mammals</b>           |                                                       |                                    |                                                                                                                                                                                                                                                                                                       |                                                                          |
| Black-tailed prairie dog | <i>Cynomys ludovicianus</i>                           | - / SC                             | Occurs in the eastern third of Colorado, in shortgrass prairie habitat below 6,000 feet elevation. The species lives in colonies, constructing burrows to live in and raise the young.                                                                                                                | Present                                                                  |
| Swift fox                | <i>Vulpes velox</i>                                   | - / SC                             | Occurs in shortgrass prairie habitat with flat or rolling terrain and high visibility over long distances and up to 7,000 feet elevation.                                                                                                                                                             | Moderate                                                                 |
| Tricolored Bat           | <i>Perimyotis subflavus</i>                           | PE                                 | Found in open woodlands near water sources. Roost in trees, rock crevices, caves, and occasionally in buildings. The Project occurs on the very southern edge of the species range (CPW 2022a). The majority of land cover within the Project includes open habitats with only sparsely wooded areas. | Low                                                                      |
| <b>Birds</b>             |                                                       |                                    |                                                                                                                                                                                                                                                                                                       |                                                                          |
| Bald eagle               | <i>Haliaeetus leucocephalus</i>                       | BGEPA / SC                         | Large rivers, lakes, and reservoirs with an abundance of fish. Nesting is typically in large trees close to water.                                                                                                                                                                                    | Moderate                                                                 |
| Eastern black rail       | <i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i> | FT / -                             | Eastern black rails occur in salt, brackish, and freshwater marshes, pond borders, wet meadows, and grassy swamps.                                                                                                                                                                                    | Low                                                                      |
| Ferruginous hawk         | <i>Buteo regalis</i>                                  | - / SC                             | Occurs in arid and open habitats including grasslands, sagebrush or saltbush plains, and deserts. Nests in lone trees, cliffs, rock outcrops, or on the ground in a high area like a knoll.                                                                                                           | Moderate                                                                 |
| Golden eagle             | <i>Aquila chrysaetos</i>                              | BGEPA / -                          | Open native habitats with an abundance of prey. Nesting occurs on cliffs, knolls, and raised areas.                                                                                                                                                                                                   | Moderate                                                                 |

| Common Name                  | Scientific Name                     | Federal/ State Status <sup>1</sup> | Habitat Associations                                                                                                                                                                          | Likelihood of Occurrence within the El Paso Assessment Area <sup>2</sup> |
|------------------------------|-------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Mountain plover              | <i>Charadrius montanus</i>          | - / SC                             | Occurs in shortgrass prairie habitat, nesting in sparsely vegetated areas or areas with barren open ground, and often found near prairie dog colonies.                                        | Moderate                                                                 |
| Lesser Prairie Chicken       | <i>Tympanuchus pallidicinctus</i>   | FT/ST                              | Prefers sandy grassland areas with an abundance of mid-grasses, sandsage, and yucca.                                                                                                          | Unlikely                                                                 |
| Piping plover <sup>3</sup>   | <i>Charadrius melodus</i>           | FT / ST                            | Reservoirs, lakes, and rivers with sand and gravel areas and sparse vegetation.                                                                                                               | Unlikely                                                                 |
| Western burrowing owl        | <i>Athene cunicularia hypugaea</i>  | - / ST                             | Open habitats with low or sparse vegetation on gently sloping terrain. Nesting typically occurs in small mammal burrows. Often found nesting in the perimeters of prairie dog colonies.       | Present                                                                  |
| Whooping Crane               | <i>Grus american</i>                | FE / SE                            | Freshwater marshes, wet prairies, shallow lakes, and lagoons.                                                                                                                                 | Unlikely                                                                 |
| <b>Reptiles</b>              |                                     |                                    |                                                                                                                                                                                               |                                                                          |
| Massasauga                   | <i>Sistrurus Catenatus</i>          | - / SC                             | Sandy areas in sagebrush and grassland habitats.                                                                                                                                              | Moderate                                                                 |
| <b>Fish</b>                  |                                     |                                    |                                                                                                                                                                                               |                                                                          |
| Greenback cutthroat trout    | <i>Oncorhynchus clarkia stomias</i> | FT, ST                             | Prefers cold, clear, gravely headwater streams and mountain lakes that provide an abundant food supply of insects.                                                                            | Low                                                                      |
| Pallid sturgeon <sup>3</sup> | <i>Scaphirhynchus albus</i>         | FE / -                             | Large river systems with firm sandy bottoms (e.g., Missouri River).                                                                                                                           | Unlikely                                                                 |
| <b>Insects</b>               |                                     |                                    |                                                                                                                                                                                               |                                                                          |
| Monarch butterfly            | <i>Danaus plexippus</i>             | FC / -                             | Found in a wide variety of habitats and is known to occur in grasslands and prairie habitats in Colorado. The species requires milkweed ( <i>Asclepias</i> spp.) host plants to lay its eggs. | Moderate                                                                 |
| <b>Plants</b>                |                                     |                                    |                                                                                                                                                                                               |                                                                          |
| Ute ladies'-tresses orchid   | <i>Spiranthes diluvialis</i>        | FT / -                             | Moist meadows associated with perennial stream terraces, floodplains, and oxbows at elevations below 7,000 feet.                                                                              | Low                                                                      |

1 FC = Federal Candidate, FE = Federally Endangered, FT = Federally Threatened, ST = State Threatened, SE = State Endangered, SC = Species of Concern, BGEPA = Bald and Golden Eagle Protection Act

2 Likelihood of Occurrence: Unlikely—unsuitable habitat in Project and vicinity; Low—marginally suitable habitat in Project and vicinity; Moderate—suitable habitat present in Project, or species known to occur in habitat similar to Project; High—highly suitable habitat present in Project, or known populations exist in Project vicinity; Present—known populations exist within the Project.

3 Platte River Species = Water-related activities or uses in the Platte River Basins may affect these species in downstream reaches.

A total of 17 species have a potential to occur within the El Paso Assessment Area (Table 2). Of these 17 species, four species have a low potential to occur, seven species have a moderate potential to occur, and two species are present within the El Paso Assessment Area. All other listed species are unlikely to occur in the El Paso Assessment Area because their ranges lie outside the El Paso Assessment Area or potentially suitable habitat is lacking; therefore, these species are not discussed further in this section. A discussion of the species with identified likelihood of occurrence in Table 2 as Present, High, or Moderate is provided.

### ***Black-Tailed Prairie Dog***

Black-tailed prairie dogs (*Cynomys ludovicianus*) are Colorado SC and occur in the eastern third of Colorado, in shortgrass prairie habitat below 6,000 feet above sea level (CPW 2022c). The species lives in colonies, constructing burrows to live in and raise the young. Potentially suitable habitat occurs throughout the grassland/herbaceous habitat within the Assessment Area. Additionally, one-third of the El Paso Assessment Area is mapped as having a medium or high potential colony occurrence (CPW 2021a). In Colorado, it is unlawful to capture, transport, and relocate black-tailed prairie dogs from one site to another suitable site without a permit from CPW (CPW 2022c).

### ***Swift Fox***

Swift fox (*Vulpes velox*) is a Colorado SC species that has been proposed in the past for federal listing. The swift fox overall range occurs throughout the eastern half of the State. Habitat for swift fox is primarily shortgrass prairie and desert communities with few shrubs or trees. The species digs its dens in sandy soils on open prairies, along fences, or in plowed fields. The El Paso Assessment Area occurs in the overall range for the species, and grassland/herbaceous habitat within the Assessment Area could provide potentially suitable habitat for the species.

### ***Bald Eagle***

Bald eagle (*Haliaeetus leucocephalus*) is a Colorado SC species and is also protected by BGEPA and MBTA. Bald eagles typically nest near large bodies of open water with adequate prey and tall trees for nesting and roosting, such as lakes, marshes, seacoasts, and rivers (Buehler 2022). Bald eagles are opportunistic foragers that prey primarily on fish but also feed on other aquatic and terrestrial vertebrates and carrion (Buehler 2022). Wintering locations are also typically associated with aquatic areas that contain open water for foraging on fish. Wintering bald eagles roosting up to 20 miles from foraging sites depending on the abundance of prey.

A bald eagle (*Haliaeetus leucocephalus*) nest is located approximately eight miles west of the El Paso Assessment Area. The El Paso Assessment Area is primarily composed of grassland/herbaceous land cover. Aquatic habitat is limited in the El Paso Assessment Area, therefore Bald Eagles are not likely to nest within the El Paso Assessment Area.

### ***Ferruginous Hawk***

Ferruginous hawks (*Buteo regalis*) are a Colorado SC and are protected under the MBTA. Ferruginous hawks are distributed throughout western North America, from southern Canada to northern Mexico, with seasonal, latitudinal migrations in grassland and shrubland habitats (eBird 2021). As the largest hawk in North America, it preys on a variety of mammals, including rabbits, hares, ground squirrels, and prairie dogs (CPW 2022c). Waterfowl and shorebirds constitute a portion of the diet of ferruginous hawks near waterbodies and wetlands (CPW 2022c). Ferruginous hawks are most numerous on the Colorado prairies from October to March, but they are present throughout the year.

The El Paso Assessment Area occurs in the overall range for ferruginous hawk (CPW 2022a), and potentially suitable foraging habitat occurs in grassland/herbaceous habitat within the El Paso Assessment Area. One record of the species was documented at approximately 9 miles east of the El Paso Assessment Area across the county line, in Lincoln County (eBird 2022).

### **Golden Eagle**

Golden eagles (*Aquila chrysaetos*) are protected by BGEPA and MBTA. Golden eagles are common in western North America, and small populations also present in the eastern portions of Canada and the United States (Katzner et al. 2022). Western golden eagle populations may be migratory or resident year-round (Katzner et al. 2022). Golden eagles are year-round residents in eastern Colorado (Sibley 2014). Golden eagles in the western United States are commonly associated with open and semi-open habitats such as shrublands, grasslands, woodland-brushlands, and coniferous forests as well as in farmland and riparian habitats (Katzner et al. 2022). Golden eagles nest on cliff faces or in large trees, and their breeding areas vary by region, but they are generally associated with mountainous canyon land, rimrock terrain of open desert, grassland areas, riparian habitats, and occasionally in forested areas (Katzner et al. 2022). Wintering habitat includes open areas with native vegetation such as sagebrush communities, riparian areas, grasslands, and rolling oak savanna (Katzner et al. 2022). The approximate wintering or non-nesting period is from October to March (Katzner et al. 2022). The species feeds upon a wide variety of prey species but tends to hunt small- to medium-sized mammals such as hares, rabbits, ground squirrels, and prairie dogs depending upon local availability (Katzner et al. 2022). Golden eagles are also known to opportunistically forage on carrion (Katzner et al. 2022).

The El Paso Assessment Area occurs in the breeding range for golden eagle (CPW 2022a), and a CPW-mapped golden eagle nest is located approximately 2 miles east of the El Paso Assessment Area across the county line in Lincoln County (CPW 2022b). Potentially suitable foraging habitat occurs in grassland/herbaceous habitat throughout the El Paso Assessment Area.

### **Mountain Plover**

Mountain plover (*Charadrius montanus*) is a Colorado SC species and is also protected under the MBTA. Mountain plover breeding habitat occurs throughout Montana, Wyoming, Colorado, New Mexico, the Texas panhandle, and Nebraska, and the species winters in California and southern Arizona (CPW 2022c). The mountain plover occurs in prairie grasslands, arid plains, and fallow fields. Nesting occurs in short-grass prairies that are often grazed by prairie dogs (*Cynomys* spp.) or bison (*Bison bison*) and cattle (*Bos taurus*). Mountain Plover breeding range occurs throughout the El Paso Assessment Area, and grassland/herbaceous habitat within the Assessment Area could provide potentially suitable habitat for the species. About one-third of the El Paso Assessment Area also occurs in a medium to high likelihood of occurrence area for black-tailed prairie dogs, which provide potentially suitable habitat for the species. One record of the species was documented approximately 9 miles east of the El Paso Assessment Area, across the county line in Lincoln County (eBird 2022).

### **Western Burrowing Owl**

Western burrowing owl (*Athene cunicularia*) is a state threatened species and is also protected by the MBTA. Western burrowing owls occur in open areas with low-growing and/or sparse vegetation, usually on gently sloping terrain. The species is found in well-drained grasslands, steppes, deserts, prairies, and agricultural lands, often associated with high densities of burrowing mammals (CPW 2021b) such as prairie dog (*Cynomys* spp.) colonies and ground squirrel (*Ictidomys* spp.) burrows. Burrowing owls arrive in Colorado in late March or early April to breed. The species nests in an abandoned burrow, and the breeding pair occupies the area until young have fledged. The El Paso Assessment Area is in the breeding range for western burrowing owl. Potentially suitable habitat occurs in grassland/herbaceous areas within the El Paso Assessment Area. One record of the species was documented approximately 9 miles east of the El Paso Assessment Area, across the county line in Lincoln County (eBird 2022).

## **Massasauga**

Massasauga rattlesnake (*Sistrurus catenatus*) is a Colorado SC species that is distributed across the southeastern portion of the state below 5,500 feet (CPW 2022c). Habitat for massasauga is composed of sagebrush or grasslands situated in dry plains and/or sandhills with sandy soils, that support an abundance of rodents and lizards (its primary prey). The El Paso Assessment Area occurs in the overall range for the species (CPW 2022a), and grassland/herbaceous habitat within the El Paso Assessment Area could provide potentially suitable habitat for the species.

## **Monarch Butterfly**

The monarch butterfly (*Danaus plexippus*) is a federal candidate species that was proposed for listing in 2020. The monarch butterfly depends on milkweed (*Asclepias*) species for a larvae food source (Monarch Joint Venture 2022). Flowering plants provide suitable nectar sources for adults. Candidate species are not statutorily protected under the ESA; therefore, Project effects to the monarch butterfly are not unlawful. However, effects to the monarch butterfly could become unlawful in the future should the USFWS decide to list it as endangered or threatened. The El Paso Assessment Area has several NHD and NWI mapped streams and could provide potentially suitable habitat for monarch butterfly and the milkweed plants that they rely upon.

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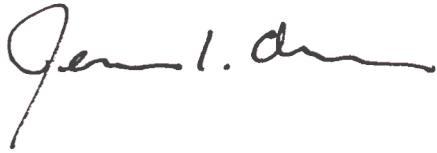
Xcel Energy's environmental consultant Tetra Tech, Inc. (Tetra Tech) conducted four windshield surveys in 2021, 2022, 2023, and 2024. The purpose of the windshield surveys was to evaluate the Assessment Area for the presence of biological resources including raptor nests, prairie dog colonies, wildlife burrows, wetlands and streams, and potential habitat for federally and state-listed T&E species, and SC species. The windshield surveys were conducted by qualified biologists by traversing public roads adjacent to the Assessment Area and scanning the landscape with binoculars to identify biological resources. These surveys were conducted on foot in areas where landowner permission had been granted and along public roads where habitat could be easily assessed.

Aerial raptor nest surveys were conducted in Spring 2022. The surveyors checked the status of known raptor nests (raptor nest locations provided by CPW and identified during the previous windshield surveys) and recorded new raptor nests within an additional 1-mile buffer surrounding the Assessment Area (Survey Area). Nests observed beyond the Survey Area were also documented. Locations of raptor nests recorded during the windshield surveys were updated during the aerial raptor nest surveys as needed. The surveyors also documented common raven (*Corvus corax*) nests and incidental observations of eagles identified during the survey. Although not raptors, common raven nests were recorded during the surveys because they could be used by nesting raptors during subsequent breeding seasons.

Tetra Tech is conducting ongoing windshield surveys and ground-based habitat and wetland evaluations for the Assessment Area in El Paso County as land access is granted. Additional surveys are planned during the Summer of 2024, and surveys will continue until construction commences. Biological monitoring within the Assessment Area will be ongoing during construction.

Please let me know if you have any questions regarding the information presented in this letter or if you would like additional information to assist CPW's review. Please contact me by telephone at (303) 285-6533 or email at [Jennifer.L.Chester@xcelenergy.com](mailto:Jennifer.L.Chester@xcelenergy.com) or contact our environmental consultant Stephanie Phippen with Tetra Tech Inc. at (303) 980-3515 or email at [Stephanie.Phippen@tetratech.com](mailto:Stephanie.Phippen@tetratech.com) if you need any additional information prior to this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer L. Chester". The signature is fluid and cursive, with a long horizontal stroke at the end.

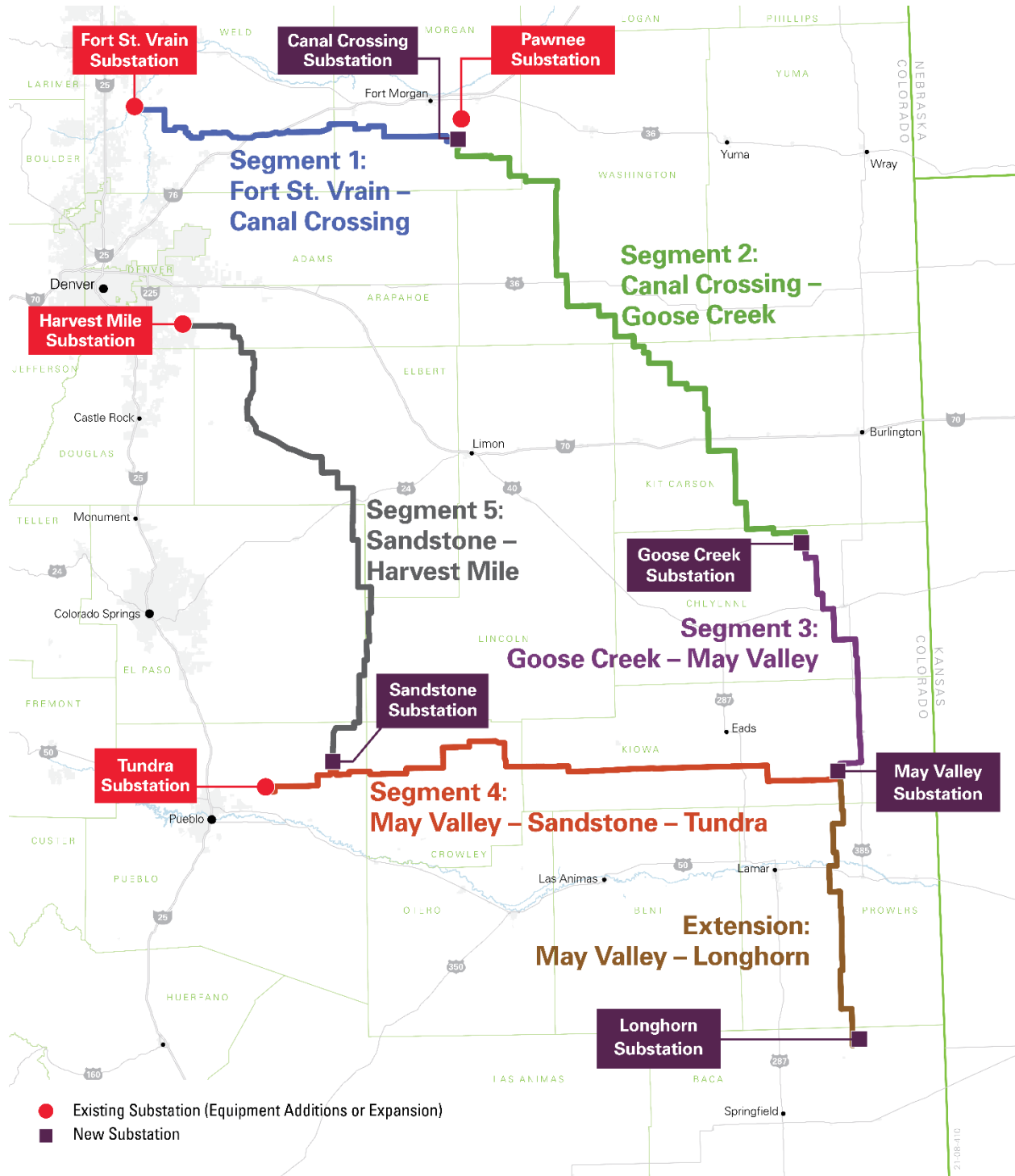
Jennifer Chester  
Xcel Energy  
Siting & Land Rights Manager  
Telephone: (303) 285-6533  
[Jennifer.L.Chester@XcelEnergy.com](mailto:Jennifer.L.Chester@XcelEnergy.com)

Attachments:

Figure 1: Project Overview Map

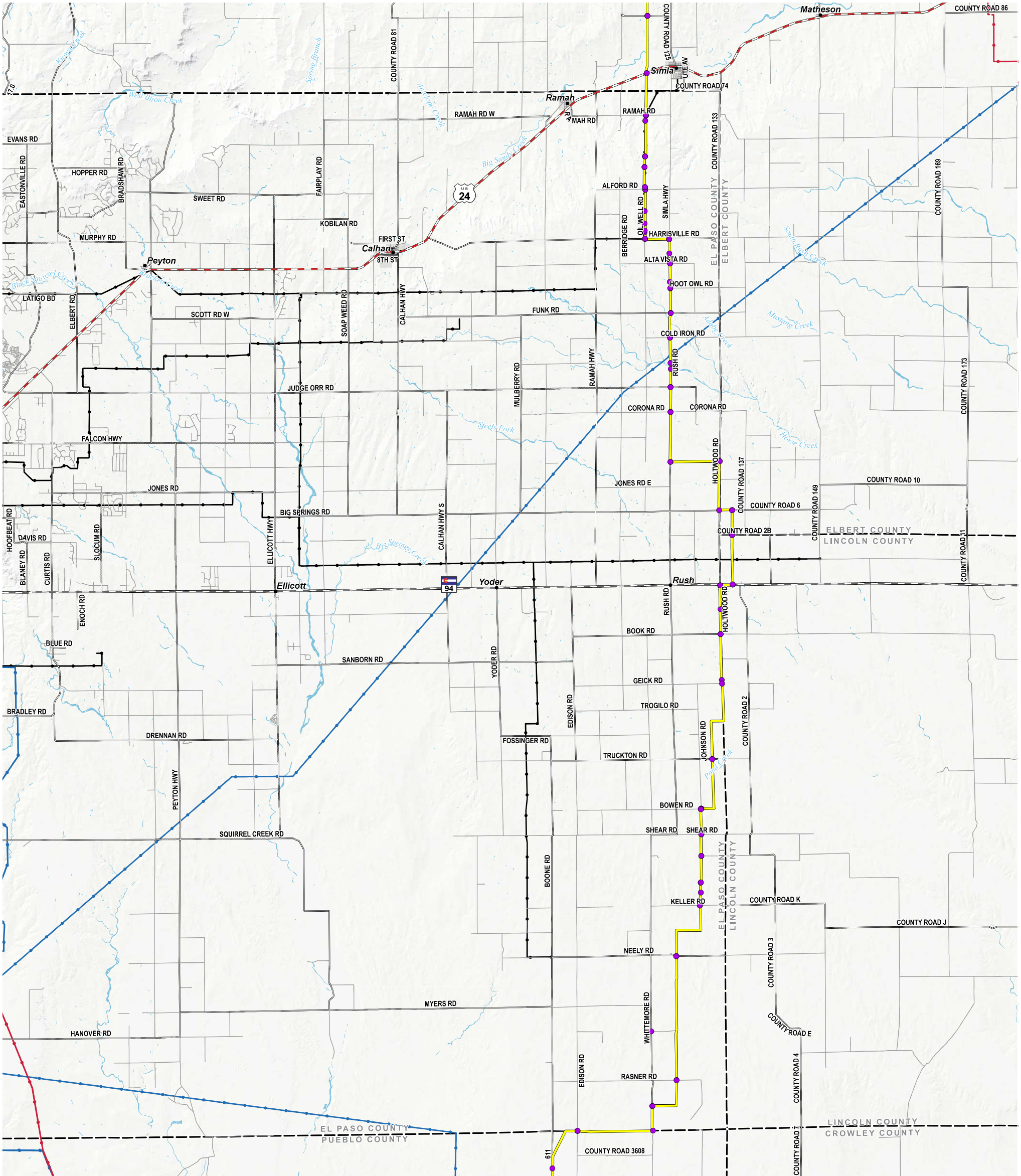
Figure 2: El Paso County Overview Map





**Figure 1: Project Overview Map**

# COLORADO'S POWER PATHWAY



**Legend**

- Proposed Transmission Route
- Access Point Location

**Boundary**  
(CDOT 2021, DOLA 2021)

- Municipal Boundary
- County

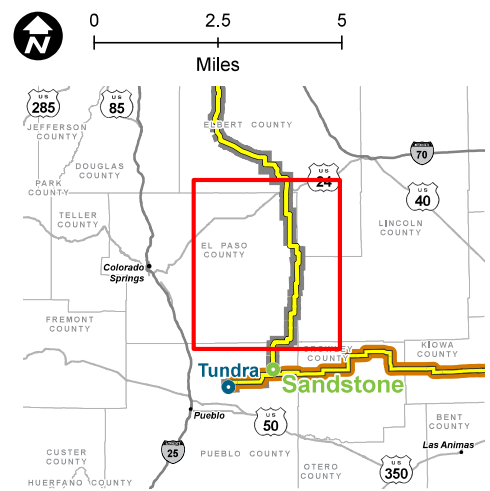
**Transportation**  
(CDOT 2021, BTS 2020)

- U.S. Highway
- State Highway
- Local Road

**Existing Transmission Line**  
(HIFLD 2023)

- 115kV Transmission Line
- 230kV Transmission Line
- 345kV Transmission Line

\*No staging areas or batch plants are planned in El Paso County



**PRELIMINARY, SUBJECT TO CHANGE**  
The information contained herein is believed to be accurate and suitable for limited internal use only. Xcel Energy/Public Service Company of Colorado makes no warranty as to the accuracy or suitability of any information contained herein for use by third parties. The accuracy of this map and the information depicted should be verified prior to use. The user shall assume all risk and responsibility for any and all damages, including consequential damages, which may arise from the user's reliance on this information.

Revised: 5/16/2024 | NOT FOR CONSTRUCTION

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Figure 2: El Paso County Overview Map