



1800 Larimer Street  
Denver, CO 80202

July 1, 2025

Kari Parsons, Senior Planner  
El Paso County Planning & Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

RE: Responses to El Paso County's Fourth Referral Comments for Colorado's Power  
Pathway 1041 Permit Application

Dear Kari Parsons,

Attached to this letter, please find Xcel Energy's responses to El Paso County's Fourth Referral Comments for the 1041 Permit Application for Colorado's Power Pathway (Pathway).

Xcel Energy has revised the 1041 Application and related attachments to respond to these comments where noted. These revisions are made to address items beyond those required by the County Code. Xcel Energy thus believes that the 1041 Permit Application fulfills all County Code requirements and was complete on April 1, 2025.

The revised 1041 Application and related attachments, and signed Development Agreement are provided concurrently with this letter. Xcel Energy understands that the public hearing on the 1041 Permit Application required by the County Code and State statute is set for July 24.

We look forward to continuing to work with you and other representatives of El Paso County to prepare for the hearing for the 1041 Permit Application for Pathway. Xcel Energy understands that further agency referral comments may be received by the County and intends to respond to those comments between now and the hearing date.

Please contact me by telephone at (303) 285-6533 or email at [jennifer.l.chester@xcelenergy.com](mailto:jennifer.l.chester@xcelenergy.com), Tiffany Hennig at (806) 378-2146 or email at [Tiffany.A.Hennig@xcelenergy.com](mailto:Tiffany.A.Hennig@xcelenergy.com), or our environmental consultant Stephanie Phippen with Tetra Tech Inc. at (303) 980-3515 or at [stephanie.phippen@tetrattech.com](mailto:stephanie.phippen@tetrattech.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer L. Chester', with a stylized flourish at the end.

Jennifer Chester, Senior Manager  
Siting & Land Rights  
Telephone: (303) 285-6533  
[jennifer.l.chester@xcelenergy.com](mailto:jennifer.l.chester@xcelenergy.com)

Attachment: Colorado's Power Pathway – Xcel Energy Responses to El Paso County Fourth Referral Comments

## Colorado's Power Pathway – Xcel Energy Responses to El Paso County Fourth Referral Comments

Agency/Comment	Response/Status
<b>Colorado Parks and Wildlife</b>	
<p>Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Xcel Power Pathway 1041 Project (Power Pathway Project or Project). CPW understands that the objective of the Power Pathway Project is to improve the Colorado's electric grid and enable future renewable energy development around the state. Overall, the Project proposes installation of approximately 550 miles of new 345-kilovolt (kV) double-circuit transmission line in 12 counties. This comment letter addresses proposed Project development in El Paso County and Pueblo County. These Project activities include installation of 45 miles of 345 kilovolt double-circuit overhead transmission line to support wind and solar energy development. It is our understanding that this is a request for review and comment on Xcel's 1041 permit to construct and operate the proposed transmission line with regard to protected and sensitive species that may potentially be present in the Project area.</p> <p>The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW has a statutory responsibility to manage all wildlife species in Colorado and to promote a variety of recreational opportunities throughout Colorado. One way we achieve this goal is by responding to referral comment requests, as is the case for this Project.</p>	Noted.
<p><b>The Importance of High Priority Habitats</b></p> <p>Developers and permitting agencies can help avoid, minimize, and mitigate impacts to wildlife from their projects by working with CPW. High Priority Habitats (HPH) are defined as sensitive habitats where CPW has recent maps regarding sensitive wildlife use, plus scientifically-backed best management practice (BMP) recommendations. HPHs are a subset of CPW's species activity maps that are collected and updated for a variety of species and their particular habitats; CPW provides these maps to the public and regulatory agencies to assist in project siting and design that avoid and minimize potential adverse impacts to sensitive wildlife species in Colorado.</p>	Pathway is not anticipated to negatively impact high priority habitat defined by CPW.
Aquatic Native Species Conservation Waters HPH	<p>Pathway intends to avoid impacts to wetlands and WOTUS features to the extent practicable. The potential wetlands and WOTUS identified through desktop analysis of NWI data that may be impacted by construction of Pathway will be verified in the field and inventoried and/or delineated to determine the actual locations and extent of wetlands prior to construction of Pathway. In the event that a regulated water resource cannot be avoided, Pathway will comply with applicable federal and state regulations, including permit requirements under Section 404 of the CWA.</p> <p>Temporary impacts to wetlands and WOTUS during construction of Pathway will be avoided to the extent practicable. If wetlands cannot be avoided, matting and other protective temporary measures will be used.</p>

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<p>CPW has identified Aquatic Native Species Conservation Waters within the State of Colorado's 2015 State Wildlife Action Plan. These surface water features provide critical habitat for native aquatic wildlife, such as amphibians and fish, while also providing crucial habitat for mammals, birds, and reptiles that utilize the habitat. Within the proposed Project area, there is a possibility of sensitive aquatic native species (fish and amphibian) presence within 14 water features that will be crossed by proposed Project development. These water features include; Coal Creek (39.638489, -104.625765), Box Elder Creek (39.638223, -104.551696), Kiowa Creek (39.418172, -104.469077), Wolf Creek (39.334365, -104.422851), Comanche Creek (39.319348, -104.380089), Bijou Creek (39.292567, -104.314855), East Bijou Creek (39.233009, -104.216371), Big Sandy Creek (39.149642, -104.105839), Mustang Creek (39.034335, -104.090324), Horse Creek (38.967232, -104.090665), Little Horse Creek (38.939228, -104.090984), Steels Fork (38.835022, -104.055082), Pond Creek (38.738305, -104.061825), and one unnamed ephemeral drainage (38.427532, -104.185479).</p> <p>To avoid or minimize impacts to aquatic species, CPW recommends the following:</p> <ul style="list-style-type: none"> <li>• No surface occupancy and no ground disturbance (year-round) within 500 feet of the ordinary high water mark of all of surface waters and the implementation of appropriate stormwater and sediment control BMPs.</li> <li>• Avoid impact to the stream bed during construction and after reclamation. The stream bed should be handled as a stream crossing whether or not water is present at the time of construction. Minimizing impact to stream beds is a priority for CPW, and avoidance is best whenever possible to protect seasonally wet sections of the creek that provide native amphibians with important breeding and foraging habitats in the spring and summer months.</li> <li>• Due to the potential of amphibian species being within the Project area and near the creek and around potential springs or wet meadows on properties within the right of way easement, CPW recommends preconstruction surveys in the spring, when amphibian species are most active. CPW would be happy to have further consultations on survey methods and timing.</li> <li>• Utilize stormwater control best management practices and construction controls for sediment control.</li> <li>• Avoid any increased sedimentation in nearby drainages, including intermittent creeks to avoid impacts to nearby aquatic habitat.</li> <li>• Ensure stream crossings are perpendicular to reduce habitat disruption and use structures outside riparian zones where possible.</li> <li>• During construction, stream crossing by vehicles should be avoided whether or not water is present at the time of construction. All trucks or heavy equipment should be restricted from crossing streams and if required, we recommend placement of culverts in streams in such a way that they do not impede seasonal surface water flow.</li> <li>• Finally, CPW recommends that native riparian canopy or stream bank vegetation be conserved where possible.</li> </ul>	<p>Depending on the condition of the wetland soil and hydrology, matting may be used in some cases to protect wetlands from rutting. To avoid potential indirect impacts from construction-related erosion and sediment movement during construction, Pathway will adhere to erosion and sediment control BMPs outlined in the SWMP, which will include erosion control and revegetation measures.</p> <p>Transmission poles will not be placed in streams or wetland areas. Xcel Energy will follow up directly with CPW if Pathway is unable to follow the recommendations outlined in CPW's guidance documents. Prior to construction, a Storm Water Permit for Construction Activities will be obtained from the Colorado Department of Public Health and Environment and a site-specific and Stormwater Management Plan (SWMP) will be developed. To avoid potential indirect impacts from construction-related erosion and sediment movement during construction, Pathway will adhere to erosion and sediment control best management practices outlined in the SWMP, which will include erosion control and revegetation measures.</p> <p>Associated access roads, laydown yards, and other appurtenant features of Pathway will also be sited to avoid permanent impacts to wetlands and WOTUS features. Temporary impacts to wetlands and WOTUS during construction of Pathway will be avoided to the extent practicable.</p>

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<p>Mule Deer Severe Winter Range and Mule Deer Winter Concentration HPH</p> <p>Mule Deer Severe Winter Range is defined as the portion of a species' range where 90% of individuals are found during the harshest two winters out of ten, when snowpack is highest, and temperatures are lowest. Mule Deer Severe Winter Range is defined as the part of the winter range where densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average five winters out of ten. Within the proposed Project area, Mule Deer Severe Winter Range is collocated along perennial and ephemeral water features identified in the Aquatic Native Species Conservation Waters section above and two Winter Concentration Areas (9S 62W sections 1-16 and 11S 60W) are present along the proposed transmission route. For the identified portions of the proposed Project area that traverse Severe Winter Range and Winter Concentration Areas, CPW recommends the following timing limitation be implemented for construction, operation, and decommissioning phases:</p> <ul style="list-style-type: none"> <li>• No permitted or authorized human activities from December 1st to April 30th. If this cannot be achieved, CPW recommends starting construction outside of the winter timing to reduce impacts to mule deer during this crucial time of year.</li> </ul>	<p>Xcel Energy acknowledges this recommendation. To avoid or minimize potential project impacts to Mule Deer, permitted and authorized human activities associated with the construction, operation and decommissioning phases will be conducted outside the December 1<sup>st</sup> to April 30<sup>th</sup> timeframe. If this cannot be achieved, these activities will begin outside the winter timing.</p>
<p>Burrowing Owls</p> <p>Burrowing Owls (<i>Athene cunicularia</i>) are listed as State Threatened and are known to nest in active or inactive prairie dog (black-tailed or white-tailed) burrows or the burrows of other terrestrial wildlife. Because burrowing owls are included in the protections afforded by the Migratory Bird Treaty Act (MBTA), it is important to avoid actions that could negatively impact the owls, nests, and eggs. To best avoid or minimize impacts to Burrowing Owls within the Project area, CPW recommends the following:</p> <ul style="list-style-type: none"> <li>• If development is proposed to occur in a prairie dog colony that has been active within the past 10 years, CPW recommends conducting surveys consistent with CPW's Burrowing Owl Survey Protocol.</li> <li>• CPW recommends that targeted surveys should be conducted for any activities resulting in ground disturbance between March 15th and October 31st.</li> <li>• If nesting Burrowing Owls are present, no human encroachment or surface disturbance should occur within a 200-meter buffer of nesting burrows from March 15th to August 31st.</li> <li>• If Burrowing Owls occupy the site, CPW recommends that earthmoving and other disturbance activities be delayed until late fall after they have migrated.</li> <li>• If seismic work could disturb or collapse dens containing nests, that work should avoid the nesting period.</li> </ul>	<p>Xcel Energy acknowledges this recommendation. If vegetation clearing cannot occur during the nonbreeding season, vegetation clearance surveys, nest surveys, and burrowing owl surveys may be conducted per USFWS and CPW guidance to identify avian nesting activity and determine appropriate avoidance buffers or monitor active nest sites until determined to be inactive. Xcel Energy will continue to coordinate with USFWS and CPW to address concerns regarding wildlife impacts throughout planning, design, and construction of Pathway, and will comply with all regulatory requirements.</p>

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<p><b>Swift Fox Potential Denning Habitat</b>  Swift fox (<i>Vulpes velox</i>) is listed in Colorado as a species of State Special Concern, and the eastern plains of Colorado, including the proposed Project area, contain potential swift fox denning habitat. To minimize the impact of future development on occupied, high-quality swift fox habitat, CPW recommends the following:</p> <ul style="list-style-type: none"> <li>• Conduct pre-construction surveys for active den sites in coordination with CPW and/or during burrowing owl survey execution.</li> <li>• Avoid human encroachment, surface disturbance, or construction activity within 0.25 miles of an active maternal den site from March 15th through June 15th.</li> </ul>	<p>Xcel Energy acknowledges the recommendation for pre-construction surveys for active swift fox den sites. Pathway's proposed route in El Paso County does cross the Swift Fox Overall Range (mapped by CPW). Xcel Energy will conduct preconstruction surveys for swift fox den sites along the Pathway right-of-way and other areas of disturbance within swift fox overall range. If potential swift fox den sites are observed, pre-construction den activity surveys will be conducted.</p>
<p><b>Mountain Plover Nest Sites</b>  Mountain Plovers (<i>Charadrius montanus</i>) are listed in Colorado as a species of State Special Concern. Mountain Plovers can nest in short-grass prairie, dryland cultivated farms, and prairie dog towns; all of which are located within the proposed Project boundary. To avoid or minimize impacts, CPW recommends the following:</p> <ul style="list-style-type: none"> <li>• Complete Mountain Plover Nest Surveys using U.S. Fish and Wildlife Service (USFWS) protocols in potential nesting habitats and that any active Mountain Plover nests within the proposed Project area be protected through the application of appropriate spatial buffers, and planning construction activity within nesting habitats outside of critical nesting periods for the species (April 1st through August 15th).</li> <li>• Where active nests are identified immediately ahead of construction, CPW recommends that they should be flagged and avoided through the application of a seasonal restriction of no human disturbance within 300 feet until the young are hatched and independent of the nest as determined by CPW or a qualified biologist.</li> </ul>	<p>CPW recommendations (CPW 2021) will be incorporated where practicable.</p> <p>Xcel Energy acknowledges this recommendation. To avoid or minimize potential project impacts to Mountain Plovers, surveys will be completed in accordance with USFWS protocols. Construction activities will be conducted outside the critical nesting periods (April 1 through August 15), if feasible. If construction activities are conducted during critical nesting periods, nest surveys, and Mountain Plover surveys may be conducted per USFWS and CPW guidance to identify avian nesting activity and determine appropriate avoidance buffers or monitor active nest sites until determined to be inactive.</p> <p>If Xcel Energy identifies an active Mountain Plover nest and cannot restrict human disturbance within 300 feet of the nest during the seasonal restriction, Xcel Energy will coordinate with CPW accordingly.</p>
<p><b>Raptors and Migratory Birds</b>  The proposed Project area contains suitable habitat for nesting raptors and migratory birds. All migratory birds are protected from potential take under the Migratory Bird Treaty Act, and any removal or disturbance of an active migratory bird nest requires prior consultation with CPW and USFWS. To ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, CPW recommends the following:</p> <ul style="list-style-type: none"> <li>• Consult with USFWS prior to construction of the proposed Project. Both active and potential nest sites, as well as winter night roosts, should be considered when evaluating potential disturbance during construction.</li> <li>• Install transmission lines be consistent with Avian Power Line Interaction Committee (APLIC) standards and that bird diverters be installed within 1/4-mile of any lake, drainage, or riparian area and within the raptor nesting buffer for all active nests.</li> </ul>	<p>Xcel Energy acknowledges this recommendation and incorporated CPW's input in August 2024 in identifying bird diverter locations for Pathway. USFWS was a referral agency for this application, and Xcel Energy has addressed their comments.</p> <p>Pathway has been sited to avoid known eagle nest and roost locations to the extent practicable. Xcel Energy is a member of APLIC and the transmission line will be designed in accordance with the "Suggested Practices for Avian Protection on Power Lines, the State of the Art in 2024" and the "Reducing Avian Collisions with Power Lines: The State of the Art in 2012" documents.</p>

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	<p>To avoid or minimize potential project impacts to eagles and other migratory birds and raptors, tree/vegetation clearing will be conducted during the nonbreeding season for birds, if feasible. If vegetation clearing cannot occur during the nonbreeding season, vegetation clearance surveys, nest surveys, and burrowing owl surveys may be conducted per USFWS and CPW guidance to identify avian nesting activity and determine appropriate avoidance buffers or monitor active nest sites until determined to be inactive. Bird flight diverters or other marking devices may be used in select areas based on CPW's prior recommendations.</p>
<p>General Comments</p> <p>CPW prefers that new transmission lines follow existing transmission corridors and pre-disturbed areas, such as roads, whenever feasible, to minimize additional impacts on wildlife and habitat fragmentation. We encourage project proponents to consider shifting portions of the preferred route that are not co-located with existing linear surface disturbances to areas that already contain them. Paralleling existing rights-of-way and using existing access routes to the greatest extent possible helps mitigate impacts on wildlife, natural resources, and land uses.</p> <p>CPW appreciates the opportunity to comment on the proposed Pueblo County and El Paso County portions of Xcel's Power Pathways transmission line in southeastern Colorado. CPW requests that Xcel and Counties continue to involve our staff as the development of this Project continues. CPW would like the opportunity to review the results from all biological surveys conducted by Xcel so we can provide more specific site-based recommendations. CPW appreciates the collaboration with Xcel as we jointly strive for responsible land use development that effectively protects sensitive wildlife species and their habitats</p> <p>When the plan updates are available or if you have any questions, please contact Southeast Region Land Use Specialist, Carolyn Craveiro de Sá at 719-747-3838 or via email at <a href="mailto:carolyn.craveirodesa@state.co.us">carolyn.craveirodesa@state.co.us</a>.</p> <p>Sincerely,  Tim Kroening  Area Wildlife Manager - Area 14  P 719.227.5218   C 719.439.9639  4255 Sinton Rd.  Colorado Springs, CO 80907  <a href="mailto:tim.kroening@state.co.us">tim.kroening@state.co.us</a></p>	<p>The preferred route chosen has the highest percentage (63 percent) of co-location with existing linear infrastructure, including existing transmission lines, roads, rail and pipelines for its entire length and, and as such, is the least impactful compared to other route alternatives. This route was considered based on feedback from the public, jurisdiction staff and Colorado Parks and Wildlife.</p> <p>Xcel Energy has been coordinating with CPW for Pathway since their initial meeting on December 10, 2021, as indicated in Table 2, Summary of Coordination with U.S. Fish and Wildlife Service and Colorado Parks and Wildlife, of Section 2.303.6.c of the 1041 Application. CPW has not requested Xcel Energy to conduct any surveys prior to these referral agency comments.</p>
Colorado Department of Transportation - Pueblo Office	

Agency/Comment	Response/Status
<p>See CDOT's comments dated March 5, 2025</p> <p><b>TRAFFIC</b></p> <p>The Revised Traffic Memorandum for Colorado's Power Pathway January 6, 2025 has been reviewed by the CDOT Traffic Unit, their comments are as follows:</p> <ul style="list-style-type: none"> <li>• CDOT Traffic concurs with the Traffic Memorandum, dated January 6, 2025.</li> <li>• Access permits are recommended for: <ul style="list-style-type: none"> <li>o CO94 &amp; Rush Road north of the highway – 48% increase in daily traffic; 6 peak hour trips</li> <li>o CO94 &amp; Kendrick Road north and south of highway – 110% increase in daily traffic; 6 peak hour trips</li> </ul> </li> <li>• No improvements are required at either location.</li> </ul> <p><b>ACCESS</b></p> <ul style="list-style-type: none"> <li>• A CDOT Access Permit Application with instructions as well as a copy of the State Highway Access Code (SHAC) can be downloaded at: <a href="http://www.codot.gov/accesspermits">www.codot.gov/accesspermits</a></li> <li>• Email your applications to <a href="mailto:michelle.regalado@state.co.us">michelle.regalado@state.co.us</a>.</li> <li>• Include the following with your application containing the original signature of the fee rights property owner: Letter of Intent, Copy of Recorded Warranty Deed, Site Plan, a property map showing the entire ownership of the property, copy of the recorded subdivision if within a subdivision, copy of any lease agreements, copy of any easements.</li> </ul>	<p>These comments from CDOT are identical to those referral agency comments provided by CDOT on March 5, 2025, for the Pathway El Paso County 1041 Application. Xcel Energy provided a response to these comments in the Responses to El Paso County's Second Referral Comments for Colorado's Power Pathway 1041 Permit Application dated April 1, 2025. This same response is provided in this document for convenience:</p> <p>Xcel Energy will obtain access permits for CO94 &amp; Rush Road north of the highway and CO94 &amp; Kendrick Road north and south of highway prior to construction.</p>
<b>County Attorney - Development Review</b>	
<p>No further comments on the Development Agreement at this time. All changes proposed by Applicant were accepted, and a clean copy is attached for any future edits by the County Engineer or other parties.</p> <p>Lori Seago Sr. County Attorney <a href="mailto:loriseago@elpasoco.com">loriseago@elpasoco.com</a></p>	<p>Noted.</p>
<b>PCD Engineering Division</b>	
<p>Engineering review 4 comments have been addressed on the following documents:</p> <ul style="list-style-type: none"> <li>- Development Agreement</li> </ul> <p>Reviewed by: Bret Dilts, PE <a href="mailto:bredilts@elpasoco.com">bredilts@elpasoco.com</a> 719-520-6864</p>	<p>Noted.</p>
<b>EPC Fire and Wildfire Program Manager</b>	
<p>The previous comments have not been addressed by the applicant. The comments will be addressed in the staff report to the Board of County Commissioners.</p>	<p>Xcel Energy provided responses to the El Paso County Wildfire Program Manager's comments on 1041 Section 5.201, Attachment T, Fire District Coordination Letters, and Attachment H, Emergency Response Procedures in the Responses to El Paso County's Third Referral Comments for Colorado's Power Pathway 1041 Permit Application dated May 7, 2025 (at pages 11 through 14).</p>

Agency/Comment	Response/Status
<b>PCD Project Manager</b>	
<p>Application is to be scheduled for BOCC 9am located at 200 S. Cascade Avenue, Colorado Springs, CO. Please contact staff to discuss hearing date options. 7195206306.</p> <p>Note: Please email PowerPoint presentation to staff one week prior to the hearing date for record keeping purposes. It is the applicant's responsibility to prove that the application has met the criteria of approval for the 1041 application.</p>	<p>Xcel Energy coordinated with Kari Parsons, Principal Planner, El Paso County Planning &amp; Community Development, to schedule the hearing on July 24, 2025. Xcel Energy agrees to provide Kari Parsons with a copy of Xcel Energy's Microsoft PowerPoint presentation one week prior to the hearing. Xcel Energy understands that it is the applicant's responsibility to demonstrate that Pathway meets the approval criteria; Pathway compliance with Article 2.405 Review Criteria for All Applications and Article 5.202 Review Criteria is addressed in the respective sections of the 1041 Permit Application and will be addressed in the PowerPoint presentation.</p>
<p>Please provide staff an update via email in regard to how many properties have agreed to provide easements and how many will undergo the condemnation process.</p>	<p>Xcel Energy's consultant, Tetra Tech, provided Kari Parsons, Principal Planner, El Paso County Planning &amp; Community Development, with an email in regard to the total number of properties with acquired easements and the total number of properties that are undergoing the condemnation process in El Paso County on June 20, 2025.</p>
<p>Comment provided by Kari Parsons, Principal Planner, via email on June 18, 2025: Can you verify that the actual poles and lines will be 105 feet from the centerline of all County roads classified as highways, expressways and arterials? There is not clarifying detail at this point in the application. Add that to your letter of intent before you resubmit please.</p>	<p>Xcel Energy has confirmed that the transmission line and poles will be located at least 105 feet from the centerline of all El Paso County roads classified as highways, expressways and arterials. Xcel Energy has added this information to Section 5.a of the Letter of Intent.</p>
<b>Mountain View Electric Association, Inc.</b>	
<p>MVEA is currently working with Xcel to obtain the necessary crossing agreements.</p>	<p>Noted. Xcel is continuing to coordinate with MVEA regarding crossing agreements.</p>